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May 4, 1985 $1.25; U.K. 65p

EDITORIAL

UNSEEMLY TRADE-OFF

In the rush of events in Washington last week, one constant could be discerned: the return of the Soviet menace, which has become a brooding omnipresence in the skies. Its shadow could be detected even in President Reagan's startling equation of S.S. officers interred at Bitburg cemetery with Jews who died in Nazi concentration camps. The White House explained that the President would honor Chancellor Helmut Kohl's invitation out of a desire to "foster reconciliation" with the German people. A more accurate description of the reason was provided by a State Department official: to strengthen the "cohesion of the Western Alliance" against the Soviet Union.

Given that objective, it is clear why the President steadfastly refused to use his trip to commemorate the joint U.S.-Soviet effort in World War II. Recalling that more than 70 percent of all German casualties in that war were inflicted by the Red Army, one can see why the symbolic linkup with Germany's past comes *über alles* and why the historic linkup of U.S. and Soviet troops at the Elbe is forgotten.

The same mindless anti-Sovietism was at work elsewhere. Its hollow crump could be heard as Administration field guns spoke out in favor of aid to the *contras*, describing a No vote as a license to Moscow to overrun Central America. It also lurked behind the State Department's denial of entry visas to Canadian author Farley Mowat and Nicaraguan Minister of Culture Ernesto Cardenal. The barring of Cardenal was just another shot in the dirty little cold war against the Sandinistas. Mowat, accused of threatening to shoot down U.S. nuclear bombers with a .22 rifle, writes books on wildlife, including one titled *Never Cry Wolf*. Come to think of it, that advice would make anyone *persona non grata* with Washington these days.

S.S. ROYALTY
Alexander Cockburn

WHO'S AFRAID OF GORBACHEV
Stephen F. Cohen

PAPERBACKS IN CHAINS
Chris Goodrich

BUCHANAN'S ÉMIGRÉ NAZIS
Lucette Lagnado

WARREN I. SUSMAN
Jackson Lears

FARMER'S TESTAMENT
David J. Garrow

RE-ACTIVIST JUDGES

REAGAN PACKS THE FEDERAL JUDICIARY

HERMAN SCHWARTZ

These are grim times for individual rights and social justice, and the situation is getting worse, especially in the Federal courts. The Reagan Administration is appointing to the bench a horde of ideologues bent on turning the clock of jurisprudence back at least to the pre-Warren era and perhaps to the pre-New Deal days. The relatively short era of judicial protection for the weak and the unpopular may soon be over.

During the Presidential campaign, Walter Mondale raised the specter of radical right influence over Supreme Court appointments. But just as dangerous, and more likely, is ultraconservative dominance in the lower Federal courts. Ronald Reagan's ability to reconstruct the Supreme Court depends on death or retirement, but no such contingencies limit his power on the lower Federal judiciary. By 1988, he could appoint some 400 judges, replacing well over half the 744 active Federal judges—more than any President in history has.

By choosing judges sympathetic to his views, Reagan can shape the course of American law for the next twenty-five to thirty years. In the 1983-84 term, for example, the twelve United States Courts of Appeals decided more than 31,000 cases, of which the Supreme Court will probably review less than a hundred. These courts have a particularly great impact on regulatory law, which is a joint product of action by Federal agencies and review by the Courts of Appeals. With Reagan's appointees now running the agencies, a conservative hold on the appellate courts would remove one of the few remaining checks on the Administration's efforts

(Continued on Page 528)

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LETTERS.

REWRITING HISTORY

New York City

Even if everything in Michael Massing's April 6 article ["Hard Questions on Nicaragua"] was true, it would only show that Nicaragua has compiled a record on civil liberties unmatched by any country in wartime.

If Massing wants to hold Nicaragua to the standards of the "Western democracies," he has an obligation to know what those standards are. Antidraft demonstrators are jailed in wartime in those countries: Oliver Wendell Holmes's famous "falsely shouting 'Fire!' in a crowded theater" decision comes from a wartime draft case. Opposition newspapers are shut down, the rest censored: France banned the Communist press at the start of World War II and jailed the editors, to say nothing of what the French, British and Americans did to pro-fascist media. Passports of political opponents are lifted: forget wartime and the massive lifting of passports in the 1950s; Philip Agee is still without his passport, which was revoked by that famous advocate of human rights, Jimmy Carter. By comparison, Nicaragua's behavior is exemplary.

But what Massing says is not true. He bemoans censorship of press reports of antidraft demonstrations. He was apparently in Nicaragua in August, or spoke to someone who was. A pity he didn't see the half-hour TV program broadcast nationally that month by the opposition Popular Social Christian Party, denouncing the country's draft law. The program pre-empted the slot for the evening news. Sandinistas were furious at what they considered an irresponsible and demagogic effort to garner a few votes for the upcoming election, but that and similar denunciations by other parties went on the air without interference.

Massing doesn't see how antidraft demonstrations threaten the war effort. It has been U.S. policy to foment antidraft activity in hopes of provoking a split in the Nicaraguan Army preparatory to an invasion. Last August's demonstrations in Chinandega and León were organized by the administrators of right-wing private schools, who let their students out of class to go. The government did censor the reports, but by U.S. wartime standards that's pretty small beer.

Massing extols the C.T.N. labor confederation as an "independent" union. Independent of what? The C.T.N. is controlled by the opposition Social Christian Party, a party so conservative it has occasionally been reined in by its West German co-thinkers in Franz-Josef Strauss's party. The C.T.N. is not independent just because its party is out of power, any more than the Communist-run C.G.I.L. in Italy is independent, or the C.G.T. in France.

Massing says the survival of the right-wing opposition newspaper *La Prensa* "attests to the Sandinistas' political savvy: shutting down the paper would cost the revolution plenty of support abroad." He neglects to inform readers of the emergence of new opposition press outlets since the November election, such as *Paso a Paso*, a newspaper controlled by the Independent Liberal Party. Might it just be that the Sandinistas *believe* in an opposition press?

Massing says that "the Sandinistas came to power at a time when the United States seemed prepared to live with revolutions in Latin America. The Carter Administration even offered $75 million in aid. But relations quickly soured." He blames this development on Nicaragua's "substantial military links with the Soviet bloc" and the Sandinistas' "assistance to the Salvadoran rebels." Thus, "relations between Managua and Washington became strained even before President Reagan took office."

This rewriting of history is a favorite with the Reagan Administration, since it blames the Sandinistas for their inability to live with Washington. Compare this with *The New York Times* editions of June 22, 23 and 24, 1979—one month before the Sandinista triumph over Somoza—which detail the Carter Administration's efforts to invade the country, jettison Somoza and kill off enough Sandinistas to install a businessmen's government, all this under the usual cover of a "peacekeeping force." Carter had to back down when the Organization of American States unexpectedly denounced the idea as U.S. interference. The June 23, 1979, *Times* has a front-page story in which the Carter Administration stated there was "a Cuban role" in "facilitating the shipment of Soviet-made arms through Costa Rica and Panama.

Worse was to come. A month later, Carter tried to save Somoza's National Guard as part of the postrevolution police and military (*New York Times*, July 17, 18 and 19, 1979). The $75 million Massing mentions was a desperate effort to shore up Nicaragua's feeble bourgeoisie. Most of it went to the private sector. Carter's effort to salvage the National Guard psychopaths is conclusive evidence that what he wanted in Nicaragua was not human rights but a government more right-wing than the Sandinistas. That seems to be what Massing wants, too.

Mark Cook

MASSING REPLIES

New York City

The Nicaraguan revolution has been a humane one, especially given the external pressures it faces. Still, to claim that Nicaragua's record on civil liberties is "unmatched by any country in wartime" elevates apologetics to new heights. For instance, Cook excuses press censorship with a flaccid allusion to U.S. censorship forty years ago (who defends that?) and with a wild reference to U.S. backing for Nicaraguan draft protests. Isn't it possible that draft resistance has some popular components? Cook can't admit this lest his jerry-built justification for censorship collapse. More troubling, he ignores the other instances of censorship I mention, none of them even remotely threatening security. I applaud the opening that appeared with regard to television broadcasting at the time of the elections and regret that it hasn't continued.

On labor, Cook criticizes my use of "independent" to describe the C.T.N. From context, it's clear I was referring to the C.T.N.'s nongovernment status. More significant, Cook is silent on my substantive points: disruptive mobs, jailed labor leaders and government-controlled unions. Perhaps he believes the C.T.N.'s party affiliation justifies the arrest of its organizers.

Cook's reading of the Carter years truly misses the point. No one questions that Carter tried to keep the Sandinistas from power. But, once they had it, Carter tried to live with them. The $75 million aid package was passed by Congress because Carter, at great political risk, was determined to see it through. Cook blithely dismisses the aid's importance, but the Sandinistas wanted it badly. Certainly its private-sector tilt was no bar, given the Sandinistas' adherence to a mixed economy. Nicaragua recently requested $58.4 million from the Inter-American Development Bank—all of which would go to the private sector.

Although Cook does not address it, I would like to correct the impression my article gives that the Sandinistas have moved toward accommodation with the United States only recently. During the past year, the Sandinistas have, in fact, merely intensified their four-year effort to reach an accord with the United States. But Washington remains intransigent.

Michael Massing

EDITORS' NOTE

The editors wish to correct two errors in Cynthia Brown's April 13 article, "The Opposition Is Off Balance." A phrase on page 432 should have read "without necessarily altering its many restrictions or [rather than 'on'] Pinochet's role as President." The location of the new concentration camp should have been spelled Conchi. Also, a phrase was cut from a parenthetical sentence on page 434. The sentence originally read, "Actually both unions include various political tendencies and permit considerable internal democracy, and their top officials are Christian Democrats."

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EDITORIALS.

Humanitarian Aid?

The rebuff by Congress to the terms of President Reagan's request for $14 million in aid to the *contras* was a victory for all who oppose his policies. The outcome was all the more welcome, and indeed startling, given the Democrats' dismal record of resistance to the White House over the past four and a half years. But the victory will remain such only if the beachhead is secured and further advances made. The $14 million was always symbolic, and Congress should now address the innumerable ways the Administration, despite the previous Congressional ban, contrived to sustain the *contras* and to press its war against Nicaragua. Those methods range from supply drops to *contras* in the field, to the use of private organizations as conduits for aid (thus breaching the Neutrality Act), to the use of other countries as surrogates in the provision of money and supplies. Congress should also halt the U.S. military maneuvers in Honduras.

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There will no doubt be a renewed effort by Reagan to get aid in some form, probably "humanitarian," and against that bid Congress should remember the fraud that such aid mostly is. It can be said with almost perfect confidence that any money going to the area of Honduras bordering on Nicaragua will not only be of immediate military use to the *contras* but will add to the suffering of the Nicaraguan refugees there, particularly the Miskito Indians.

Access to these bleak conclusions is afforded by a look at what happened to the $7.5 million in A.I.D. funds that Congress appropriated for use in the border area after it cut off direct funding to the *contras*. An experienced organizer of private relief who recently returned from the border area quotes an official with the U.S. Agency for International Development in Honduras as saying that the program was a "*contra* relief effort." Legislation sponsored by Representative Bob Livingston has insured that the funds will not be administered by the U.N. High Commissioner for Refugees (U.N.H.C.R.) through World Relief because it is insufficiently supportive of the *contras*. The preferred channels are the conservative groups Friends of the Americas, Inter-Aid and Christian Emergency Relief Teams.

There was an even more sinister consequence of the A.I.D. money. Under the U.N.H.C.R. program, which cost $3.5 million, about 17,500 Miskito refugees were settled some fifty kilometers from the border and were progressing toward self-sufficiency. The sudden injection of $7.5 million in the border zone acted as a magnet to the settled refugee communities fifty kilometers back, returning them to a state of aid dependency. There are also accounts indicating that Misura, the Miskito *contra* organization headed by Steadman Fagoth, accelerated this return to the border by burning the refugees' houses and throwing their supplies of rice into the river, just as the Sandinistas did in their early disastrous attempt to evacuate the Miskitos from the Coco River region in 1982. Misura's objectives are to tighten its control over the refugees and to create an "emergency" in the border zone that will prompt relief agencies and the U.S. government to send more aid. The money will then be pocketed by the *contras*. It is for that reason that the U.N. High Commissioner will not provide assistance to anyone within fifty kilometers of the border.

If Congress is in the mood to be humanitarian, it could allocate at least some of the $14 million it has rightly withheld from Reagan, the C.I.A. and A.I.D. to the International Red Cross to help the 120,000 or so war refugees inside Nicaragua. But if President Reagan is to sustain more than a temporary setback, all aid to the *contras* must be assailed and the Neutrality Act upheld. Congress should also announce, as a matter of principle, that it is not the province in law or morality of any U.S. institution to debate the overthrow of the government of Nicaragua. If that elementary point is recognized, the road to negotiations, bilateral and through Contadora, will be much easier to discern.

CORRECTION

Last week Angus Mackenzie reported in this space that the A.C.L.U.'s resolution on future F.O.I.A.–C.I.A. litigation was a "reversal" of past policy and legislative positions. We have now obtained a copy of the minutes of the meeting at which this resolution was discussed. It is clear that the resolution was not a reversal but, in the words of the minutes, which paraphrase A.C.L.U. president Norman Dorsen, "an attempt to restate shared principles, consistent with current policy, as a guide to future litigation." We regret the confusion.

Cemetery Politics

President Reagan's decision to visit the German military cemetery at Bitburg was not a mistake in judgment. It was, rather, the chilling result of several converging circumstances.

The Washington policy framers have chosen this moment to rev up relations with the right-wing regime in West Germany, the bastion of American nuclear, ideological and strategic interests in Europe. Chancellor Helmut Kohl's Christian Democratic Union stands in opposition to socialism not only in Eastern Europe but also in Western nations like Portugal, Spain, Italy, France and Greece. Reagan's tribute to the German soldiers strengthens reactionary forces there and, for West Germans at least, exonerates the Germany that is of responsibility for the Germany that was. One recalls the outcry when Willy Brandt fell on his knees before the memorial to the Jews in the Warsaw ghetto. Reagan's tribute will be the official signal of the normalization of American attitudes toward the Federal Republic and an invitation to Kohl to share even more fully in Reagan's Strangeloveian sentimentality about war and peace. This gesture will be widely appreciated in West Germany, and it will also buttress the American position at the nuclear arms talks.

But there is another element of the decision that makes it more fateful than it appears. There are signs that Israel, which is routinely identified with Jewish interests worldwide, is losing its status as a privileged ally. The forced American withdrawal from Lebanon, the Israeli contribution to the permanent instability of the region and the chronic enmity of Islam are cooling U.S. enthusiasm for its Middle Eastern client, and this has influenced the Administration's response to the American Jewish establishment. At the same time, Reagan can claim that he has supported the "Jewish" state in all critical respects, so how can he be accused of showing bad faith toward Jews? In any event, Israel cannot do without U.S. aid, so nothing is risked.

But those issues are overshadowed by the domestic implications of the President's move. When the Bitburg visit was announced, there was an immediate protest from the American Jewish establishment. Despite intense pressure, almost exclusively from Jews, the Administration would not retreat from its position. Why? Because Jews

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simply are not of sufficient political importance.

For the past thirty years ethnic politics in America have most heavily involved Jews and blacks. But together those groups are only 60 percent as numerous as the German-Americans (50 million, according to the 1980 census, matched only by WASPs). In the Presidential election, despite an overwhelming black vote for Mondale, the Republicans swept the South. So even blacks, who outnumber Jews by more than four to one, have made only a small dent in the majority's political armor.

Hence the decision to go to Bitburg reflects the logic of power, and its implications for Jews are ominous. Anti-Semitism is amorphous and hard to identify before it erupts in social action, but it seems to be on the rise. That is not a phenomenon Jews can change, however. Anti-Semitism is a complex and recurrent social phenomenon embedded in Western civilization; the behavior of Jews is irrelevant. A solution for it would require a social transformation beyond the imagination of any establishment, including the Jewish establishment (see Diamond, "Jewish State, State of Jewishness," *The Nation*, July 23-30, 1983).

The helplessness of Jews became increasingly evident during the events of the past few days, perhaps best illustrated by the response of Elie Wiesel. After accepting the Congressional Gold Medal of Achievement from the President, Wiesel praised Reagan as a political leader and as a man, and pleaded with him to follow his best instincts, reject the advice he had been given and cancel the trip. The President said no. How many millions silently nodded their assent?

STANLEY DIAMOND

Stanley Diamond is Distinguished Professor of Anthropology and the Humanities at the New School for Social Research and has held a number of visiting professorships in West Germany.

Sinn Fein Runs

On May 15, Northern Ireland will hold local elections. The results will provide an interesting barometer of the influence of Sinn Fein, the legal political party that supports the underground Irish Republican Army. The elections will also test the effectiveness of the party's recent shift toward broader-based community organizing and its decision to step up participation in electoral politics. Sinn Fein leaders expect to double their representation in the fifty-one–person Belfast City Council, to four seats.

Sinn Fein and the I.R.A. don't view the situation in Northern Ireland as a religious conflict but as a liberation struggle by the Irish people against the British government. In the long run, Sinn Fein hopes for support from Protestant workers, who they say face massive unemployment and poverty because of British colonial rule. But prejudices run deep, and as Liam Boyle, Sinn Fein's press officer in Belfast, told me, "It may take a whole generation" of Protestants to support a united Ireland.

Historically, Sinn Fein and the I.R.A. refused to serve as elected officials, as a protest against British rule and as a symbolic rejection of the peaceful road to power. But two years ago they reassessed that tactic. "We realized we were at a military standoff with the British," Boyle said. "They couldn't win, but we weren't strong enough to kick them out."

More immediately, Sinn Fein was worried about the increasing political influence of the moderate Social Democratic Labor Party. It was also concerned because the major political parties in the Irish Republic oppose its radical politics and would probably seek to isolate it in any united Ireland. After much internal debate, Sinn Fein decided that the party's candidates should run for local offices and take their seats if victorious. In its first try the party won Council seats in Belfast, Derry and a number of other cities in Ireland and Northern Ireland.

To broaden its political base Sinn Fein set up community centers in Catholic neighborhoods which help people organize on issues like unemployment and housing. Recently I visited one in Divis Flats, a large housing project where about 85 percent of the residents are unemployed. Francis McCann, who runs the center, told me he and his staff encourage Divis residents to join together to demand improved services from the Housing Executive. The party also opened a youth center to help combat juvenile delinquency in the project. Elsewhere in Belfast, Sinn Fein women run a rape and family-violence counseling facility.

This kind of community organizing has paid off in Belfast's poor districts. Divis Flats, for example, elected a Sinn Feiner to the City Council.

While Sinn Fein and the I.R.A. have not changed their belief that only military struggle will force the British out, the I.R.A. has shifted its tactics as well. During the 1970s it planted bombs in London subway stations and at pubs, killing civilians. Today it concentrates on military, political and corporate targets.

"We've had a lot of internal discussion," a former I.R.A. fighter told me, asking that his name not be used. "Some people think English workers can be won over to support independence. Others think it's hopeless and you just have to make the situation so bad that the Brits will have to get out." Advocates of the second view don't mind terrorizing the civilian population, he said, but for the past four years the I.R.A. has become increasingly expert at picking off British soldiers and local police with few civilian casualties.

"We tell civilians not to visit pubs where soldiers go," he said, "and give a half-hour advance notice to evacuate if we bomb a target where civilians might be."

The Irish Republican movement does not expect to gain a majority in local governments now or in the future, and on May 15 they will not win a large number of seats. But the elections will indicate if Sinn Fein is able to increase its electoral influence, a troublesome prospect for both the British government and Irish moderates.

REESE ERLICH

Reese Erlich is a journalist who frequently covers international affairs.

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BEAT THE DEVIL.

First Find Your Founding Father

The curious journey of an invitation extended by West Point offers encouraging evidence of the poor quality of U.S. military intelligence. At the beginning of March, Col. Lee Olvey, head of the social science department at West Point, wrote to Bosco Matamoros of the F.D.N.—the main *contra* group—asking him to give a lecture on his "perspective of domestic politics in contemporary Nicaragua."

Colonel Olvey sent his invitation down to the "attaché coordination branch" of the U.S. Army, based in the Pentagon, which processes requests made to foreign nationals and issues security clearances when they are to visit Army installations. In this case, John Lewin, in the office of Gen. William Odom, Assistant Chief of Staff for Intelligence, duly forwarded Colonel Olvey's invitation to the military attaché at the Nicaraguan Embassy in Washington, asking that the embassy provide authentication of Matamoros's identity, military service number and security clearance status, along with "the standard statement of sponsorship by your government." In the wake of this screw up, President Reagan promptly made Odom the new director of the National Security Agency.

Springtime for Hitler

I only wish that Patrick Buchanan had been around the White House for Reagan's first four years. Scarcely two months into his job as communications director and Buchanan, admiringly described by his newspaper friends as "hard-nosed and combative" (i.e., a fascist psychopath), has stiffened Reagan's resolve to lay a wreath on an S.S. man's grave and laud the storm troopers of the *Wehrmacht* as morally equivalent to those who died in the death camps. If Buchanan persists in giving this kind of advice he'll probably have engineered the President's resignation by early August, eleven years after Buchanan's first Presidential employer stepped down. (For Buchanan's specific defense of war criminals I urge you to read Lucette Lagnado's article on page 525 of this issue.)

The point of Reagan's impending trip to West Germany is to drive home a simple message to the network audience: in World War II the peoples of the free world, mostly Americans, British and Germans, fought shoulder to shoulder against Soviet totalitarianism. Since there is no internationally recognized border in the President's mind between fantasy and fact, this is the history in which he now believes and thus it is perfectly natural for him to stand in silent appreciation over the bones of an S.S. man, foe of Bolshevism and, like the Nicaraguan *contras*, the moral equivalent of the Founding Fathers.

The President's reluctance to include a concentration camp on his schedule is equally understandable. In his mind he visited one right after the war, and as Spiro Agnew once said about slums, "If you've seen one, you've seen them all." Somewhere near the end of 1983 Reagan decided that he had served as a photographer in an Army unit assigned to film Nazi death camps. In Lou Cannon's account of the matter, published in *The Washington Post* on March 5 of last year, the President described his concentration camp visit to Yitzhak Shamir in November 1983. Reagan gave the same story to Simon Wiesenthal and Rabbi Martin Hier two months later. Of course he was making the whole thing up, but when the lie was exposed everyone shrugged it off as a minor example of the President's preference for the world in his head rather than for the less alluring reality outside. They used to lock people up for this kind of delusional mania.

PrinceSS

Ever hear about the frog who kissed a prince and turned into an S.S. man? All in all, what with Reagan's visit to Bitburg, Princess Michael of Kent's inconvenient father and now Prince Philip's spring hatch of relatives in the S.S., these are glory days for the black shirts. At the present count Prince Philip's aunt Frederika was in the S.S.; his brother-in-law Prince Christoph of Hesse joined the S.S. in 1933, ran the Forschungsamt, its wiretap agency, and was a close aide of Hitler. Prince Christoph's older brother Prince Philipp was a pal of Goering, and his cousin Prince Wilhelm of Hesse was in the Death's Head corps of the S.S., which supervised concentration camps. Prince Philip's uncle Duke Charles of Coburg joined the S.A., which is really getting in on the ground floor, and remained a close aide to Hitler until 1945.

The Hesse branch of the family served Hitler so loyally that it was exempt from his order that German royals not hold top jobs, being—on account of their foreign relatives—security risks.

Footnote: On the matter of war criminals, I hear that Arnaud de Borchgrave, editor of *The Washington Times*, has posted a reward of $1 million for Dr. Josef Mengele. This seems, as my colleague Christopher Hitchens remarked to me, an amazingly generous offer to join an already overstaffed editorial page.

The Horror, the Horror

Almost without exception, the special issues of magazines—*Time*, *Newsweek*, *The New York Times Magazine*, *The New Republic*, etc.—devoted to the tenth anniversary of the American defeat in Vietnam find it impossible to discuss the central aspect of the war: what Americans did in Vietnam before 1975. This is a closed book, along with the memory of the nearly 3 million Vietnamese the Americans managed to kill.

As one might have expected, *The New Republic*'s issue was by far the worst, so infinitely vile that for twenty-four hours I thought I had eaten rat poison. "Our allies in South Vietnam," writes the *T.N.R.* editorialist, "were not worthy allies. And it was they who lost the war to the Communists." That one line tells the whole story.

One would have thought it impossible to surpass the oafish reaction of Morton Kondracke, formerly executive editor of *T.N.R.* and now Washington bureau chief of

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ALEXANDER COCKBURN

Newsweek, but once again Martin Peretz has found his man: Fred Barnes, formerly of *The Baltimore Sun*, who gives us the "I Chose Reagan" piece, in the manner of Horowitz and Collier. A photographer from *Esquire* was recently down at *The New Republic*'s offices, taking a family portrait of the monsters to adorn a forthcoming article. As he called the group to order, Barnes's voice could be heard arguing fiercely that life for the masses in South Africa was much superior to that endured by the people of Nicaragua.

On another occasion not so long ago, Richard Burt, Assistant Secretary of State for European Affairs, was invited to the magazine's offices to dispense wisdom in the course of a brown-bag lunch. Finally, Charles Krauthammer could contain himself no longer. "I must ask you," he cried to Burt, "how much longer must we put up with Andreas Papandreou? It's gone too far. Why don't we abandon him, cut off the aid and leave him to the Turks?"

"I'm of your mind," Burt replied, adding that if Papandreou does not come round soon, it will be down the tubes with the old boy.

Upward Mobility

It's been obvious for some time that in *The New York Times* of the mid-1980s John Vinocur is destined to go far. His insistent propaganda for the Reagan world view, transmitted first from Bonn and then from Paris, now has been rewarded with a summons to return home to become assistant to executive editor A.M. Rosenthal.

Evidence that Vinocur was not so much a reporter for *The Times* as a spokesman for the Reagan Administration is nicely furnished by his performance at a conference in mid-March devoted to East-West relations and attended by, among others, Anatoly Gromyko, son of the Soviet Foreign Minister. The voice of official U.S. policy turned out to be Vinocur. As monitored by the Foreign Broadcast Information Service, Vinocur said of Star Wars:

> It is defensive. . . . This is an attempt to have [a] defense initiative which does not shoot at anybody with missiles . . . and which would make it possible to break the backbone of what President Reagan referred to as the nuclear spiral. It is designed to put an end to the nuclear arms race which, in the final analysis, is immoral. Nobody will be killed by it.

This politicking makes one look with even more suspicion than before at Vinocur's enthusiastic reports from Paris that European leaders were taking to Star Wars like pigs to slops.

Vinocur's conservative credentials have been ratified not only by his disinformation during the Euromissile struggles but by such articles as his paean to Clint Eastwood, recently published in *The New York Times Magazine*. Obeisance to Eastwood is a *rite de passage* for any upwardly mobile conservative these days. Another favorite of Rosenthal's, Richard Grenier, has written ecstatically about Eastwood in *Commentary*. It looked for a while as though Grenier would become an institution at *The Times* as the third-string movie critic, but in the end even Rosenthal was embarrassed by his ghastly prose and Grenier will not get the job.

Cultural policing will remain the province of the likes of Walter Goodman and John Corry. No one at *The Times* seems bothered that Corry, reviewer of TV documentaries, is married to Sonia Landau, chair of the board of directors of the Corporation for Public Broadcasting, which plays a role in much of the work that Corry reviews. Landau was appointed by President Reagan in 1981, and her term expires next year. It can be renewed. In 1984 she was national chair of Women for Reagan-Bush.

The Sack, Ted Turner-Style

The manner in which Daniel Schorr was dismissed as senior correspondent for CNN sustains the widely held view that Ted Turner is a puff adder in human form. Schorr was hired during the early days of CNN, when the infant network was sorely in need of some weight and integrity. Accordingly, he was able to negotiate a favorable contract with three provisions: he didn't have to do anything conflicting with his own sense of professional duty; he was free to write for newspapers; and he could enjoy a five-day workweek.

The years passed and Schorr became a CNN fixture. Then, last summer, he objected to dropping anchor next to the rotting hulk of former Texas Governor John Connally for CNN's coverage of the two conventions. In Dallas, Schorr even refused to sit with him. Later, he discussed the paradoxes of Connally's career in the Atlanta *Journal and Constitution*, Ted Turner's home sheet. Then Schorr remarked to his employers that he'd been working six-day weeks and wanted to take the days owed him. He added that if he took all his time he would be up for contract renewal. He took his leave, and as he was loitering about at his leisure, a woman in the CNN press office called to say "I'm sorry." Why? She gently explained that she was looking at a press release wishing Schorr all the best in his future endeavors, since there would be no renewal of contract. Perhaps not entirely coincidentally, the man to whom Turner had gone for advice on how to raise money for his CBS takeover was none other than the great Texan fixer John Connally, who has been amassing swag-bellied cowpokes for the bid.

Et tu, Porky

I see that Michael Massing finds a paradox in my irritation at Navasky's tampering with my column and my tolerance for Sandinista censorship of *La Prensa*. The day Navasky and *The Nation* are under threat of armed invasion and rape by Martin Peretz and *The New Republic* and I urge such an invasion in my column, I'll see a parallel. Massing also lectures me about my insensitivity to new movements in socialism. I'll have more respect for his views on trends in world consciousness when he doesn't instinctively reach for the word "screechy" to characterize female opponents, as he did in reaction to Holly Sklar's criticisms of his silly and self-serving article.

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DISPATCHES.

■ WEST GERMANY: Out of the Past

During the 1930s, hundreds of artists and intellectuals fled Nazi Germany. Forty years later, a new generation of West German artists is intrigued by the role played by those who stayed behind and served the Nazi state. In a recent documentary Nina Gladitz, a 38-year-old filmmaker, examined the conduct of her predecessor, Leni Riefenstahl, who is best known for her 1934 paean to fascism, *Triumph of the Will*. The documentary charges that Riefenstahl used gypsies from the Maxglan concentration camp near Salzburg as extras in her film *Tiefland* (*Lowland*) and that she was fully aware that they were to die in the gas chambers. Riefenstahl, now 82, sued.

At the trial last month in Freiburg, six of the gypsies testified that in 1940 Riefenstahl had toured the camp with two assistants and had selected young, Latin-looking gypsies for a movie she was shooting in the Bavarian Alps. The principal witness, Josef Reinhardt, who was 13 at the time, said that when he told Riefenstahl what was in store for the gypsies, she promised to intercede on their behalf with the authorities after the filming was completed. Nevertheless, most of the extras, along with thousands of others at the camp, went to the gas chamber. Gladitz's lawyer introduced as evidence the contract between the camp and Riefenstahl's film company, which called for the gypsies to be guarded closely on location.

Testifying in her own behalf, Riefenstahl claimed she had been a naïve artist, oblivious to politics and immersed in her work—an apolitical attitude condemned by Gladitz's documentary. She said she had never visited Maxglan and claimed she had no inkling that the gypsies faced execution. Indeed, she had not known that death camps existed at the time. She also expressed outrage that the charges had come up again and reminded the court that in the late 1940s she had won a civil case against a publisher who made similar allegations. But evidence in the Freiburg trial casts doubt on that earlier verdict. The decision in the 1949 case turned on the testimony of one Anton Bohmer, who swore that Maxglan was a kind of welfare shelter and not a concentration camp. In the latest trial, it was revealed that Bohmer had been an S.S. officer and was camp commandant of Maxglan.

■ INTELLIGENCE: Secret Citizens

Ask Graham Greene why spies spy and he might suggest ideology, money, love or lust as the prime motives. The Central Intelligence Agency would like to add American citizenship to that list.

For several years, it has been pressing Congress to pass legislation that would allow the President to grant citizenship to a select number of foreigners working for U.S. intelligence agencies who "have contributed substantially to the security of the United States." According to immigration laws, the President may admit up to one hundred aliens annually at his discretion. That has proved invaluable to the U.S. intelligence community as a way of providing a haven for its spies, but people admitted that way become permanent resident aliens and must wait the statutory five years before applying for citizenship.

Moreover, the C.I.A. argues, suppose the intelligence informant is from an Eastern European country, or even the Soviet Union, as prominent recent defector Arkady Shevchenko was. To make an extraordinary contribution to U.S. security, the agent would have to be a member of the Communist Party. But the McCarran-Walter Act stipulates that former party members must wait ten years after leaving the party before they can be eligible to become citizens. The solution, says the C.I.A., is to empower the President, with the approval of the Director of Central Intelligence and the Attorney General, to confer citizenship on five such persons every year.

The proposal is contained in the Omnibus Intelligence and Security Improvements Act, introduced in February by Arizona Representative Bob Stump, the ranking Republican on the House Intelligence Committee. The waiver has attracted little critical notice, although the House Judiciary Committee, which shares jurisdiction over the bill with the Intelligence Committee, is said to be unenthusiastic about tampering with the rules of citizenship.

If citizenship becomes a reward for extraordinary spying, it will inevitably be cheapened to an inducement. Potential agents could begin demanding it in return for service. And who would be allowed to become citizens? The Attorney General would have to certify that the person is "of good moral character," but U.S. spies in Third World countries are often unsavory characters. In Central America, U.S. intelligence has relied on people like Col. Nicolas Carranza, former head of El Salvador's notorious Treasury Police, and Gen. Reynaldo Perez Vega, who was the C.I.A.'s top contact in Managua when Somoza was in power. Before he was assassinated by the Sandinistas, Perez Vega was widely known as El Perro—"the dog."

■ THE PHILIPPINES: Turning the Screws

The Reagan Administration has formulated a strategy for easing besieged President Ferdinand Marcos out of office.

According to an interagency document drafted by the State Department on November 2 and leaked by the Philippine Support Committee in Washington, the United States fears he will leave behind a "radicalized Philippines [which] would destabilize the whole region." The report spells out the Administration's overall strategy:

> While President Marcos at this stage is part of the problem, he is also necessarily part of the solution. We need to be able to work with him and to try to influence him through a well-orchestrated policy of incentives. . . . Marcos, for his part, will try to use us to remain in power indefinitely.

In blunt language the document goes on to list Washington's demands for political, financial and military reform. If Marcos refuses to make the reforms, Washington will "discreetly publicize the fact that . . . economic assistance is not forthcoming." The "deteriorating situa-

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KAI BIRD AND MAX HOLLAND

tion" that results "should increase the political and economic pressures on Marcos."

Despite its talk of reform, the State Department paper emphasizes military measures, including the restoration of the "professional, apolitical leadership in the Armed Forces in order to deal with the NPA [New People's Army] threat," improved training and "more military equipment for logistics, communication, and basic military needs."

The report became the Administration's official game plan for the Philippines when, in early January, President Reagan approved a National Security Directive based on it. That should have placed it within the guidelines of "All the News That's Fit to Print," but *The New York Times* refused to run a story about it because the report was leaked to *The Washington Post* first.

■ UNITED STATES: Their Nazis, Our Nazis

Between May 1945 and December 1952, the United States admitted 642 alien scientists and engineers, most of them Germans, under Project Paperclip. Some of those scientists, like Arthur Rudolph, had committed war crimes, but instead of being tried, they were put to work for the U.S. space program. Rudolph designed the Saturn 5 rocket which lofted the Apollo astronauts to the moon. Last year, under threat of persecution for falsification of immigration papers, Rudolph renounced his U.S. citizenship and fled to West Germany.

A great deal of new information on Rudolph and Project Paperclip can be found in an article by Linda Hunt titled "U.S. Coverup of Nazi Scientists," which was published in the April *Bulletin of the Atomic Scientists*. The Russians had their own model of Project Paperclip, about which little is known in the West. Recently, however, "Dispatches" obtained a classified C.I.A. document, dated October 31, 1949, which reports that two teams of German scientists were sent to the Soviet Union. From this and other sources, it seems clear that most of the scientific personnel imported by the Russians were low-level technicians, engineers and workmen from Nazi rocket sites and laboratories.

According to the C.I.A. document, the two groups of German scientists, numbering about a dozen each, were installed in a laboratory in Sukhumi, on the Black Sea, in the fall of 1945. One team was headed by Gustav Hertz, winner of the 1925 Nobel Prize in Physics. The other was led by Baron Manfred von Ardenne.

"Because he was not a pure Aryan," says the report, "Hertz lost his professorship in 1935." He spent the war years as director of the Siemens & Halske nuclear research laboratories. Von Ardenne's Nazi ties were more obvious. According to the C.I.A.:

> He liked to regard himself as Germany's leading nuclear physicist. Among scientific circles, however, it is the general opinion that this view was shared only by some of the Nazi ministers who provided von Ardenne with large sums of money to buy equipment for his laboratory.

The Russians treated the German scientists very well. Nuclear physicist Peter Thiessen was "said to have at his disposal a private railroad car and plane." Hertz received a new stone house for his birthday in July 1947; another scientist was given a new car, though he was not permitted to drive it alone. One major difference between Project Paperclip and the Soviet version was that the Russians repatriated virtually all their Nazis by the early 1950s. The Americans allowed theirs to become citizens.

In 1946, at a meeting of the Allied Control Council, the group that had jurisdiction in occupied Germany, American officers formally objected to the use of German scientists by the Soviet Union. A Soviet general is said to have responded: "I am not asking the Americans and British at what hour of the day or night they took their technicians. Why are you so concerned about the hour at which I took mine?"

■ HISTORICAL FOOTNOTE: Letter to 'Wild Bill'

Sometimes we come across a document that needs no explanation. The following letter, on file at the Harry S. Truman Library, was written on February 25, 1948, by William Casey, now Director of Central Intelligence, to William (Wild Bill) Donovan, wartime boss in the Office of Strategic Services.

> Dear General,
>
> When you were expounding your peace program yesterday, [and] we were discussing the difficulties in making people see that the [Henry] Wallace approach to peace can only mean war, I was reaching for a quote from Gibbon. It wouldn't come, but I found it last night and I now present the text for your campaign. Here it is. The [italicized] portions seem to me to be of great relevance to American policy:
>
> "Notwithstanding this difference in their personal conduct, the general system of Augustus was equally adopted and uniformly pursued by Hadrian and by the two Antonines. *They persisted in the design of maintaining the dignity of the empire, without attempting to enlarge its limits. By every honorable expedient they invited the friendship of the barbarians; and endeavored to convince mankind that the Roman power, raised above the temptation of conquest, was actuated only by the love of order and justice.* During a long period of forty-three years their virtuous labors were crowned with success; and, if we except a few slight hostilities that served to exercise the legions of the frontier, the reigns of Hadrian and Antoninum Pius offered the fair prospect of universal peace. The Roman name was revered among the most remote nations of the earth. The fiercest barbarians frequently submitted their differences to the arbitration of the emperor and we are informed by a contemporary historian that he had seen ambassadors who were refused the honour which they came to solicit, of being admitted into the rank of subjects.
>
> "The terror of the *Roman arms added weight and dignity to the moderation of the emperors. They preserved peace by a constant preparation for war; and while justice regulated their conduct, they announced to the nations on their confines that they were as little disposed to endure as to offer an injury.*"

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SOVIETICUS.

STEPHEN F. COHEN

Let it be recorded that the initial American response to a new Soviet leader promising some kind of reform to his own people was not one of hopeful encouragement but deep alarm.

Underlying that reaction to the rise of Mikhail Gorbachev is an ominous trend in American policy thinking which has been obscured by the media's trivial focus on his alleged "mastery of public relations." Faced with the first Soviet leader in thirty years who is both reform-minded and vigorous, some Reagan Administration officials and kindred analysts are gravely insisting that even a partially reformed Soviet system will represent a far greater threat to American interests around the world. As one Washington Sovietologist put it, "If the Soviet Union proceeds with real economic reform, that is only going to make the Kremlin more competitive in its rivalry with the United States."

Even though Gorbachev faces enormous internal obstacles to any significant reform and is far from having consolidated his power, the prospect is already viewed, according to columnists Rowland Evans and Robert Novak, "with chilling seriousness in Washington." A legion of analysts have rushed to warn that the new General Secretary will be an exceptionally "dangerous adversary," or, as an American diplomat cried out, "our most formidable opponent in the Kremlin since Lenin." (Evidently, Gorbachev is expected to outdo Stalin.) The message, it seems, is that the United States must redouble its vigilance because, in Washington's new watchwords, the "free lunch in East-West relations . . . is over."

The thesis that Soviet reform is inimical to American interests has exercised shadowy influence over policy since the beginning of the Reagan Administration. Now out in the open, its invidious implications should not escape scrutiny. Morally, it is blatantly indifferent to the well-being of ordinary Soviet citizens, who might benefit from economic changes and from any liberal ramifications in political life. So much for pious official claims that the United States wishes the Soviet people well.

Politically, it implies that the U.S. government should, in effect, collaborate with Gorbachev's antireform opponents in the Soviet bureaucracy by denying him the better international relations he will need. Indeed, such a policy may already be in place, as evidenced by the Administration's abrupt rejection of Gorbachev's first diplomatic overture on April 7. Reagan spokesmen and most media commentators flatly dismissed the proposal as "propaganda" and an "old trick," even though it contained two significant concessions: a unilateral moratorium on deployment of Soviet Euromissiles and a tacit acceptance of American missiles already deployed in Western Europe. The Administration's refusal even to discuss the proposal can only bolster Soviet opponents of both reform and détente.

To lend weight to this cold war perspective on Soviet reform, two specious historical arguments are put forth. One is that economic change will actually be bad for Soviet citizens because, according to "experts" cited in *The New York Times*, previous cases have always entailed "a history of intensified repression." Those unnamed authorities apparently know little about Soviet history.

The Soviet Union has experienced two major episodes of economic reform—the New Economic Policy introduced by Lenin in the 1920s and the de-Stalinization policies begun by Khrushchev in the 1950s. Both led to substantial political liberalization, including a sharp curtailment of police repression and a significant increase in intellectual and cultural freedom, or what Soviet citizens nostalgically call a "thaw." Gorbachev may somehow carry out economic reform without that kind of political relaxation, but history suggests otherwise. Moreover, he has already proposed several measures that entail a degree of liberalization—for instance, more local initiative and less censorship of information.

The second historical fallacy maintains that during periods of domestic reform, the Soviet leadership invariably becomes more aggressive and less accommodating abroad. Here, too, the record suggests otherwise. During the reforms of the 1920s, the Soviet government began its first experiment in what later became known as détente, seeking diplomatic relations and trade agreements with capitalist countries it had previously vilified.

Nor was Khrushchev merely a reckless international buccaneer, as he is so often portrayed. His foreign policies were sometimes threatening to the United States, as in Hungary, Berlin and Cuba. But they included the withdrawal of Soviet troops from Austria in 1955, a doctrine and practice of "peaceful coexistence," the first visit by a Soviet leader to the United States and the 1963 test-ban treaty. Surely, it is more instructive to remember that Khrushchev was both a reformer at home and a founding father, along with President Eisenhower, of modern-day détente in Soviet-American relations.

It is too early to conclude that Gorbachev, if given a chance, will follow a similar course, but the signs are encouraging. In campaigning for power and since becoming General Secretary, he has pointedly associated himself with longstanding reformist ideas and constituencies in the Soviet establishment. Like earlier reformers, he has indicated that such a domestic program requires a relaxation of international tensions to increase nonmilitary expenditures and to counter conservative protests that change is too risky. Hence his recent statement that better Soviet-American relations are "extremely necessary." Hence his lament over the current "ice age" in those relations, a metaphor that evokes the possibility of a new thaw at home and abroad, and the essential link between them.

The United States therefore must decide whether it is a friend or foe of Soviet reform. A policy of cold war will almost certainly freeze any prospects of a Moscow spring. The alternative is an American response that is open-minded and hopeful, and thus both wise and worthy of a compassionate nation.

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ARTICLES.

AVON ISN'T CALLING ANYMORE

Most Paperbacks Are in Chains

CHRIS GOODRICH

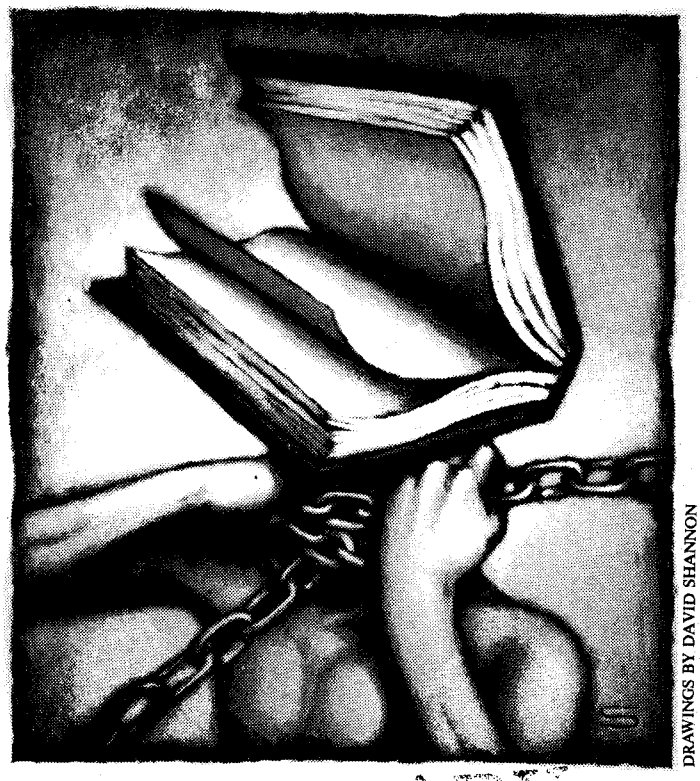
Last year, a few days before Christmas, the president of Avon Books announced that beginning January 1 the company would no longer sell its books directly to 1,742 local bookstores. Walter Meade told the publishing industry trade magazine *Publishers Weekly* that the cost of doing business with those small stores "was skewing our bottom line in an unimaginable way." As a result, one out of three independent bookstores will have a more difficult time providing their customers with Avon paperbacks, which include titles by some of the world's foremost novelists—among them Gabriel García Márquez, Walker Percy and Saul Bellow—as well as popular writers Elmore Leonard and Brian Aldiss.

Avon's decision gives much support to the belief, long held by independent merchants, that local bookstores, once the mainstay of book publishing, may soon go the way of mom and pop groceries. The independents are finding it harder to compete in a marketplace dominated by Waldenbooks, B. Dalton and Crown Books, the three huge chain stores which account for almost half of all direct sales of books in the United States. What's worse is that having already saturated their original marketplace, the nation's shopping malls, the chains are taking on the independents head-to-head. That's bad news for the latter, since many of them operate on a profit margin of less than 1 percent. Many independents also contend that the chains' tightening hold on the industry is leading to a decline in the quality and variety of available books. Because chains prefer books that have mass appeal and a fast turnover, publishers are emphasizing blockbuster best sellers, movie novelizations and heavily promoted cartoon or gimmick books.

Avon decided to drop so many accounts in response to an antitrust lawsuit brought against it by the Northern California Booksellers Association (N.C.B.A.). The booksellers charge that Avon has been providing secret and illegally high discounts to some chain bookstores since the early 1970s, in violation of the Robinson-Patman Act, which prohibits price cutting that tends to lessen competition. Although Avon, a subsidiary of the Hearst Corporation, is the booksellers' target, the association says that virtually all paperback publishers have engaged in discriminatory pricing practices. Avon has conceded that it gives higher discounts to chains than to other stores but argues that the practice is legal because it reflects the lower cost of doing business with the chains and because it comes under the antitrust law's "meeting the competition" exception.

According to the booksellers' association, while Avon sells to most independent stores at the standard discount of 40 to 43 percent off the list price, it gives the three major chains discounts of 44 to 48 percent, and sometimes more. The independents discovered the disparity in 1981, when Avon mistakenly sent some of them invoices intended for chain outlets. The Northern California booksellers called on the Justice Department and their national trade group, the American Booksellers Association, to look into the matter, but neither wanted to bring legal action. Deciding it could win on its own, the N.C.B.A. filed suit in U.S. District Court in San Francisco in April 1982. The association is not seeking damages, only a change in Avon's discount practices. Final arguments were heard last month, and the decision by Judge Thelton Henderson is expected this summer.

William Petrocelli, the plaintiffs' attorney, says independents pay up to 9.6 percent more for Avon books than do chain stores. Walden and Dalton have engaged in discriminatory pricing for more than ten years, he says—a time span that coincides with their rapid growth. The number of Dalton stores increased from 120 in 1973 to 729 by the end of 1984; Walden grew from 301 stores to 890 in the same period. Crown received the allegedly illegal discount when it had only four stores, in 1978; today it has 185 and, like the other chains, plans to add a score or more outlets annually. Petrocelli estimates that because of the higher discount they routinely get from publishers, the chains have made $55 million in extra profits, a figure large enough to have pro-



DRAWINGS BY DAVID SHANNON

Chris Goodrich is a legal reporter and a frequent contributor to Publishers Weekly.

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vided "a good chunk of the costs of [their] expansion."

Gary Halling, one of Avon's attorneys in San Francisco, says those facts are largely irrelevant. The issue in the case, he says, is the publisher's cost differential between selling to independent stores and to chain stores. At the trial he presented evidence to show that Walden's and Dalton's centralized buying saves Avon freight, labor and sales costs, making it about 16 percent cheaper for the publisher to do business with them than with the independents. That is more than twice the average 7.3 percent discount it gives the chains on trade and mass-market paperbacks. Meade says he expects the chains will ask for higher discounts now that the company's purported 16 percent savings has become public knowledge. Avon, he testified, will eventually have to give in to their demands.

Petrocelli says the publisher's claim that it is merely meeting the competition doesn't apply because every title published is unique. A bookstore can't shop around for the best price on a particular title. "Books are licensed monopolies under the Copyright Act," he points out. "There's no interchangeability among them," he says. "*Gorky Park* doesn't compete with *One Hundred Years of Solitude*. Avon is denigrating its own products when it says the chains won't take its books if it doesn't give them the discounts the other publishers are giving—they're selling very different things."

He disputes the company's second line of defense as well. Avon's shipments to the chains are sent to individual stores and must be individually invoiced, he says; that means little savings in labor or freight costs. The publisher does save money, however, because Avon representatives do not make sales calls to each Walden and Dalton outlet. Nevertheless, Petrocelli accuses Avon of inflating its sales cost figures for independent accounts and contends that those figures include the cost of servicing Crown, a bare-bones operation. Many independents say they don't want Avon salespeople coming to their stores, especially if that keeps them from getting the preferential discount given the chains.

The 1,742 bookstores that Avon will no longer serve directly do less than $2,400 annual business with it and sell no more than 40 percent of the titles they take on consignment. Many of the stores may still be able to acquire Avon books through regional wholesalers, but probably fewer titles and at a higher cost. Although Meade says Avon's decision "saddens" him, he told *Publishers Weekly*, "The process of litigation is going to make it necessary to make additional cuts [of stores]." During the trial, Meade said he believed the lawsuit "will kill independent bookselling" because it has revealed the high cost of serving such accounts and gives the chains more leverage in asking for higher discounts. (Indeed, Avon's lawyers sought to have the trial closed to the public so that its cost figures would remain confidential.)

Representatives of Avon and of the booksellers say that if anyone deserves to be sued, it is the chains, since they were the ones who demanded the larger discount. Such a case would be difficult to prove under Federal antitrust law, so the booksellers have decided against it. As for the paperback publishers, a large percentage of their business is done through chain stores—about 20 percent in Avon's case—so they are reluctant to point a finger.

Crown president Robert Haft, however, has not been loath to criticize the independent booksellers or the publishers. In a deposition he gave in the Avon case last December, Haft called the N.C.B.A. "a price-fixing antitrust club" and said that members of the association had "told me to stay out of the [Northern California] market or they're going to take care of me, they're going to get me." In September 1978, when Crown had a handful of stores in the Washington, D.C., area, its local law firm wrote a letter to Bantam Books saying that Crown was being discriminated against because it was not yet getting the preferential discount. Bantam, reading between the lines that Crown might sue, granted the discount in six weeks.

Although the booksellers' complaint is based on antitrust law, it raises larger issues about the current trend in publishing. Andy Ross, owner of Cody's Books in Berkeley, California, and past president of the Northern California Booksellers Association, points out that chain stores specialize in sure-fire best sellers, high-turnover titles and fad books. "The chains just don't know how to sell a book by an unknown author," he says, noting that they usually hire part-time clerks who have little knowledge of books. "They pile 'em high and watch 'em fly." The result, he says, is that it is getting increasingly difficult for companies to justify publishing first novels, scholarly works, experimental books.

Neal Sofman, an N.C.B.A. member and part owner of three stores called A Clean Well Lighted Place for Books, adds, "The big chain stores have direct input with the top people in publishing houses." He voices the common belief that publishers sometimes show manuscripts to chain-store buyers before publication to determine the size of their print order. Meade says he knows of no instance of that happening.

"These are department-store people," Sofman says, noting that Crown is jointly owned by Dart Drug and Thrifty; Dalton, by major clothing retailer Dayton Hudson; and Walden, by K mart. "I'm frightened by people who believe books can be sold like toothpaste. Are our children going to go into bookstores and find that all the books look alike?"

Sofman says that situation is already occurring—in fact, with children's books. These books sell slowly, so chain bookstores don't like to stock them, he says. Also, the children's section must carry many backlist books—classics and traditional favorites—as well as recent titles, which again runs contrary to the chains' retailing philosophy. "The chains go after the lowest common denominator. Go into a chain and you'll see books like Golden Books," Sofman says, referring to a publishing house, owned by Mattel Toys, that specializes in simplified picture books.

Ironically, Avon happens to have a good backlist of children's books, which, Sofman says, are "simply going to disappear" because chain stores generally don't have patience for them. The chains carry books about Care Bears and Strawberry Shortcake, which are fashionable and sell

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well but which many specialists consider to be of low quality.

No one says the same thing will happen to paperback editions of Saul Bellow and García Márquez, but the trend is moving in that direction. And if the booksellers lose their suit, it will probably accelerate. Petrocelli says he expects to win, and hates to think what would happen if he doesn't and the chains press their competitive advantage: "We could survive, I suppose, if we only had chain hardware stores. But if we had only chain bookstores, we'd be a different country. What good is the First Amendment if you can't get your books published or into the stores? What's going to happen to the small presses?"

Andy Ross says he is also confident of winning, but says the victory may come too late. "The whole business is effectively being run by two companies," he says. "The three big chains may control 75 percent of the market in five years, and the two biggest are increasing their discounting business" in order to compete with Crown. "In another few years, the independents may not be around."

"We just want equality," says Petrocelli, "the ability to compete fairly with the chains. If the chain stores skim off your business in best sellers—maybe 15 percent of your business—you just can't make it on everything else." But that argument may not meet Federal legal standards. Avon's Gary Halling has said that "this case has nothing to do with fairness," and he points out that the word "fair" does not appear in the Robinson-Patman Act. Avon president Meade puts it just as bluntly: "The chains treat books as merchandise, and I'm not in control of that. . . . The blissful days of ignorance are over." □

A CURIOUS CREW

Pat Buchanan and The Émigré Nazis

LUCETTE LAGNADO

When the White House announced that on his visit to West Germany next month President Reagan would lay a wreath on the grave of a German soldier killed in World War II, Jewish and veterans groups were outraged. A hasty decision to include a concentration camp on his itinerary after all did not placate them. Washington commentators declared that the President had committed a major public relations blunder. But the President isn't the only one in the Administration who has shown insensitivity to the memory of the Holocaust. His communications director, Patrick Buchanan, is under fire for his strident campaign, while a newspaper columnist, against the Justice Department's Office of Special Investigations, which tracks down Nazi war criminals in the United States.

In 1982, appearing on the Washington television talk

Lucette Lagnado is a reporter for columnist Jack Anderson.

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23323. A. The Language of Adam. What language did Adam speak to Eve? Why are human languages so different? Are they different attempts to solve the problem of naming things? **B. Lifetime Labels.** Most of us do not know what our own given names or surnames mean. This talk explains what meanings they have and how far they go back into history.

23324. A. Name Into Word. A tawdry piece of jewelry was named after Saint Audrey; there are many more of these names, such as the warm cardigan and the delicious sandwich. They are explained in this talk. **B. Changing Words.** Words change their meanings all the time: for instance, a glamor girl used to be a girl who could read and write (she knew her "grammar"). Many such are discussed on this cassette.

23325. Winged Words. Proverbs contain the wisdom of many different nations and groups. Usually no one knows who created them, but, once heard, they stick in the mind. How about the Russian proverb "Long hair, short brains?" **B. The Anatomy of Slang.** Slang words and slang phrases twist and deform ordinary language, but they make it livelier. Where do they come from? How are they invented?

23326. A. Sense and Nonsense and **B. Complete and Utter Nonsense.** Some things which look sensible turn out to be crazy or non-sensical when we look at them more closely. What is the difference between sense, and almost-sense, and meta-sense, and non-sense, and what does it matter?

23327. A. One Kind of Glory. This is a talk about the men and women who – although they themselves are forgotten – said and wrote things which have been remembered forever. **B. Tell Me a Story.** Somerset Maugham said that the test of good story was one that could be told to strangers in a ship's smoking room or a bar car in a train, and hold their attention. Here are three stories by unknown authors which prove that Maugham was right: they are all miniature masterpieces.

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show *After Hours*, Buchanan called for the O.S.I.'s abolition and asked what the purpose was of "going after people who are about 70 years old now" and whose crimes were committed "thirty-five, forty-five years ago." More recently, his ire has been focused on O.S.I. denaturalization actions against Eastern European immigrants. These "staunch anti-Communist émigrés," he contends, are being deprived of their citizenship on the basis of dubious evidence obtained from the Soviet Union.

In a syndicated column published this past February, Buchanan called the O.S.I. the "dim-witted instrument" of the Soviet K.G.B. and stated that "in its zealotry to punish naturalized Americans who collaborated in the Holocaust, forty years ago," the office "is relying upon 'evidence' produced by the secret police of a neo-Stalinist state."

In another column, written the previous December, he championed John Demjanjuk, a Ukrainian immigrant who was stripped of his citizenship by a Federal judge in 1981, after a long trial. O.S.I. lawyers presented voluminous evidence, including a Nazi identification card, establishing that Demjanjuk had served as a guard at the Treblinka death camp in Poland, where he operated the gas chamber and was known to inmates as "Ivan the Terrible." Buchanan wrote that if the charges were true, Demjanjuk had deserved deportation, but he claimed that a "horrible miscarriage of justice" had been committed because the Treblinka identification card was a K.G.B. forgery.

In a letter to *The Washington Times*, where Buchanan's column regularly appeared, Stephen Trott, head of the Justice Department's Criminal Division, of which the O.S.I. is a part, defended the use of Soviet evidence, saying it had been tested under American rules. He pointed out that the O.S.I. had not relied solely on Soviet archives: "The critical evidence placing Demjanjuk at Treblinka came from five surviving witnesses of the camp who now live in Israel. . . . The credibility of these witnesses has already been tested under *our* rules of evidence and procedure." (The government of Israel has been granted its request to extradite Demjanjuk for trial as a war criminal.) Trott criticized Buchanan for ignoring that and other "relevant and conclusive evidence simply because of preconceived ideological bias."

Buchanan fired back in his February 22 column, renewing charges that the office had collaborated with the K.G.B. and dropping a morsel of new evidence into the hopper. He revealed that the book *Treblinka*, by Jean-François Steiner, reports that Ivan the Terrible was knifed by a Jewish prisoner in 1943. Buchanan failed to mention, however, that *Treblinka* is a novel and that Steiner presented an affidavit to the court at Demjanjuk's trial stating that he had invented the incident.

In hammering away at the O.S.I.'s purported reliance on tainted Soviet evidence, Buchanan faithfully echoes the views of right-wing Eastern European émigré groups—the Joint Baltic American Committee, Americans for Due Process and others—that have long called for the abolition of the office. Sources at the O.S.I. say that those groups wish to halt the prosecutions of their countrymen and that the complaint about evidence is a ploy to win the support of American conservatives. In Buchanan's case, at least, that approach seems to have worked. In a speech on May 31, 1984, O.S.I. director Neal Sher warned of "a concerted and extremely vigorous campaign by segments of the Eastern European émigré community questioning the appropriateness of our methods." Such groups, he said, "would like very much to see O.S.I. disappear."

Eli Rosenbaum, formerly a lawyer with the O.S.I. and now in private practice, has followed the activities of the émigré groups for several years. He explains their motivation this way:

> They are deeply embarrassed by the extent of the collaboration in their native land with the Germans during World War II. Until O.S.I. was established, most Americans believed the Holocaust had been perpetrated by the Germans. It was not known, for example, that large numbers of Ukrainians were guards at the Nazi death camps.

Now that the right-wing émigrés' most vociferous champion is in the White House, O.S.I. Nazi-hunters fear he will carry on his vendetta behind the scenes. It is worth noting that in his February 22 column, Buchanan dismissed Trott's charge of ideological bias with these words: "Surely such an attitude should disqualify its bureaucrat author from service in the administration of a president who professes a similar 'ideological bias.'"

Given Buchanan's past efforts, can we expect him to criticize the O.S.I.'s current investigation of the ties between the U.S. government and Dr. Josef Mengele? Buchanan and his boss should reread the words Trott wrote in his letter to *The Washington Times*:

> Those who willingly participated in the savage and systematic program of murder, persecution and genocide have no busi-

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ness living in this country. That many years have passed does not diminish the enormity of the catastrophe, nor does it absolve the participants. □

Judiciary

(*Continued From Front Cover*)

to dismantle the regulatory machinery built up over the past fifty years under Republican and Democratic Presidents.

Control of the District Courts, which tried almost 300,000 cases in 1983-84, will also advance the extreme right's agenda. If the District Court's findings of fact are stacked against the loser, even an appeal to a sympathetic higher tribunal has little chance of success.

The Reagan Administration's choices for vacancies on the Federal courts are being made with what political scientist Sheldon Goldman calls "absolutely extraordinary commitment and diligence" to insure that only pure conservatives are named. Selection of Appeals Court judges is controlled by Attorney General Edwin Meese 3d and is rigidly ideological. Many district judges, whose nomination is traditionally determined by a state's U.S. Senators, are being selected by Jesse Helms and John East in North Carolina, Jeremiah Denton in Alabama, Orrin Hatch in Utah, Phil Gramm in Texas, and those of similar views in other states.

These people are looking for what the ultraconservative magazine *Benchmark* called "a new breed" of Federal judge: bright, ideologically committed to extreme conservatism and unusually young. Richard Posner, an antitrust expert often mentioned for the Supreme Court, became a judge on the U.S. Court of Appeals for the Seventh Circuit, where much of the nation's antitrust law is made, at 42. Frank Easterbrook, an expert in business law from the University of Chicago who is joining Posner on the Seventh Circuit, is only 35. J. Harvie Wilkinson, nominated over bitter opposition from civil rights groups to the Fourth Circuit, which has jurisdiction from Maryland to South Carolina, was 39 when nominated. Kenneth Starr, who was an assistant to former Attorney General William French Smith, was named to the U.S. Court of Appeals for the District of Columbia when he was 36. Alex Kozinski, soon to be nominated to the Ninth Circuit, which covers the West Coast, is 34. Edith Jones (one of Reagan's few female nominees), appointed to the Fifth Circuit, which covers Texas and Louisiana, is 36. Sid Fitzwater, only 31, was proposed by Phil Gramm to the Federal District Court in Texas.

The youthfulness of these appointees reflects a deliberate strategy of choosing judges who are "going to be there for a long time," as Gramm put it. Speaking of Fitzwater, Gramm said, "The added bonus . . . is that he will be making rulings when I'm dead." In Texas, three Reagan judges were under 40 at the time of their appointment. A Dallas *Times-Herald* study found that 11.4 percent of all Reagan's appointees thus far were under 40, a higher percentage in that age group than under any recent President. The study also found that the average age of judges appointed by Reagan in the past six months is 47.4, down two years from the average during the rest of his first term.

And most of the 165 Reagan appointees now on the bench are performing as expected. *Judging the Judges*, a study published last year by Craig Stern of the ultraright Center for Judicial Studies, evaluated sixty-two judges and found that thirty-one voted in accordance with the 1980 Republican platform "in all of their significant cases without exception" and sixteen toed the line "in nearly all." Although nine judges passed the test in only half of their significant cases (six others wrote no pertinent opinions), Stern was able to conclude cheerfully, "The Reagan Judiciary, so far, has lived up to expectations."

This court-packing has an obverse side: prospective nominees with the slightest liberal taint are rejected. Presidential counsel Fred Fielding solemnly insists that there is no "litmus test" for judicial nominees, but he admits that the White House screening committee asks all prospective nominees to state their view of *Roe v. Wade*, the 1973 decision on abortion. That is done to determine the candidate's attitude toward "judicial restraint," Fielding blandly explains.

Thus far, five individuals were publicly withdrawn from consideration because of pressure from ultraconservatives, were passed over as too liberal or are currently under attack. Other potential candidates' names probably have been dropped at earlier stages in the process because of the certainty they would not be approved. The five targets of the right are:

§ *Judith Whittaker*. Associate general counsel of Hallmark Cards, first in her law school class, rated highly by the American Bar Association and "outstanding" by the chief judge of the U.S. Court of Appeals for the Eighth Circuit, Whittaker was slated to be nominated by Reagan to that court in 1981. She had publicly supported the Equal Rights Amendment, however (as had the Republican platform prior to 1980), and ultraconservatives charged her with being a closet Democrat, antibusiness and pro-abortion. In fact, she is a well-connected Republican who has represented business interests for more than a decade and has never stated her views on abortion publicly. After her opponents complained to Lyn Nofziger, a top Reagan political adviser, the White House eliminated her from consideration.

§ *Andrew Frey*. Vacancies on the Court of Appeals for the District of Columbia, which has jurisdiction over civil and criminal cases in the capital, are filled by the President, who nominates from a list of three names submitted by a local selection committee. Last July, Reagan named Frey, who is a Deputy Solicitor General in the Justice Department. As the government's chief advocate on criminal matters in the Supreme Court, Frey has probably had important prosecution victories in more cases than any lawyer in practice. He was expected to be a forceful law-and-order judge.

Frey was not pure enough for the Republican right, however. He had made small contributions to Planned Parenthood, the National Abortion Rights Action League and the

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National Coalition to Ban Handguns. Cases involving abortion or gun control are unlikely to come before the D.C. Court of Appeals, and since it is the equivalent of a state court, its decisions apply only in the district. Nevertheless, thirteen Senators, led by Jeremiah Denton, demanded that the White House withdraw the nomination. In March Reagan obliged, the first time in memory that a President has reversed himself on a selection to the Washington courts.

§ *William Hellerstein.* There is a stench of resurgent McCarthyism in the third example, for the key actor is Roy Cohn, former counsel to Senator Joseph McCarthy.

Hellerstein, appeals chief of the New York City Legal Aid Society, is one of the most respected lawyers in New York and a solid member of the legal establishment. A year ago he was recommended for a Federal District Court slot by Senator Daniel Patrick Moynihan and approved by Republican Senator Alphonse D'Amato under their working arrangement for state judicial selections. That would normally be enough to secure his nomination by the President. Hellerstein was endorsed as "outstandingly able" by twenty-four former Federal prosecutors, and he was selected from among numerous candidates by a screening panel headed by Leonard Garment, who represented Edwin Meese in the recent investigation by the special prosecutor.

However, Hellerstein had written an article about fifteen years ago on congestion in the courts in which, in passing, he commented critically on the practice of imprisoning people convicted of minor drug-possession, prostitution and gambling charges. Calling him an "ultraliberal," apparently because Hellerstein represents the poor, Cohn loudly objected to him, and the Administration again acquiesced. An outraged Moynihan wrote White House counsel Fielding: "There is a word for the ideological tests for the judiciary which are seemingly now in place in the White House and the Justice Department. The word is corruption." Fielding replied that Hellerstein was "not consistent with what the [White House screening] committee was looking for." The committee had never interviewed Hellerstein or otherwise sought to ascertain whether he had what Fielding has described as the "proper judicial philosophy."

§ *Stanley Sporkin.* As chief of the enforcement branch of the Securities and Exchange Commission, Sporkin vigorously applied the securities laws to corporate misconduct. Now general counsel of the Central Intelligence Agency, he was nominated last year to a district judgeship at the behest of Director of Central Intelligence William Casey. The extreme conservatives have opposed him, partly because of his record at the S.E.C. They held up his confirmation last year, and though he has been renominated, his chances of being approved are uncertain at best.

§ *Joseph Rodriguez.* A former head of the New Jersey Bar Association, Rodriguez was proposed by Republican Governor Thomas Kean, of whose cabinet he is a member. Reagan nominated him for a district judgeship. If confirmed, he will be the first Hispanic on the New Jersey Federal bench. Apparently dissatisfied with the investigations by the White House, by the American Bar Association, which rated him "exceptionally well qualified," and

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by Senator Strom Thurmond, chair of the Judiciary Committee, Hatch, Denton and East sent Rodriguez an eight-page questionnaire demanding that he list his political contributions of the past ten years and asking whether he believes "a 'viable' fetus is a human being," as well as twenty-eight other questions on school prayer, the E.R.A.,

THE RODRIGUEZ QUESTIONNAIRE

The following are some of the questions submitted to Joseph Rodriguez by Senators John East, Jeremiah Denton and Orrin Hatch.

2. (a) In his dissent to the majority opinion of the Supreme Court in *Roe v. Wade*, 410 U.S. 113 (1973), Justice Byron R. White made the following statement: "As an exercise of raw judicial power the Court perhaps has authority to do what it does today, but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court." Do you agree or disagree with Justice White's statement? Why or why not?

3. (a) In *Roe v. Wade*, the Supreme Court determined that even the "viable" unborn human fetus is not a "person" as that term is used in the Fifth and Fourteenth Amendment to the Constitution. Do you believe that a "viable" fetus is a human being? If so, do you agree with the Court's finding that the "viable" fetus is not a "person"? If so, on what basis can a valid constitutional distinction be drawn between a "human being" and a "person"?

8. The First Amendment forbids the establishment of a State religion. The First Amendment also prohibits interference with the free exercise of religion. This second prohibition apparently is often overlooked. Please share with the Committee your views on the free exercise clause as it relates to prayer in public schools.

10. The Second Amendment to the Constitution states that "a well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." In light of that constitutional prohibition, to what extent, if any, do you feel that Congress could curtail the right of the people to keep and bear weapons that are of value to common defense?

11. Would you give your present personal position with regards to the Equal Rights Amendment?

12. (a) What did the Supreme Court hold in *Regents of the University of California v. Bakke*, 438 U.S. 256 (1978)? Do you believe that this holding was correct? Why or why not?

the death penalty, affirmative action, private-school tuition vouchers, gun control, labor law and school desegregation. Hatch explained that the Senators sent Rodriguez the questionnaire to make sure that a conservative judge would be appointed. This time, though, the ultraconservatives overreached themselves. Thurmond's irritation at their challenge to his authority, plus the political muscle behind Rodriguez, caused them to abandon any opposition they may have contemplated. Nevertheless, Hatch insisted that the questions were legitimate, even if "some may seem somewhat ideological."

The ultraright is determined to do more than control the Federal bench. In recent years, state courts in California, New York, Massachusetts and Florida have been more liberal than the U.S. Supreme Court on certain issues. In California, rightist groups have mounted a multimillion-dollar campaign to deny re-election this fall to Chief Justice Rose Bird and three other justices—all appointed by former Governor Jerry Brown—whose views on abortion, capital punishment and criminal justice are deemed too liberal. If the campaign succeeds, it will be the first time any California justice has been denied re-election.

The demographics of the Reagan bench are as one-sided as its politics. Most of Reagan's appointees are white males; one-fourth of them are millionaires. Only one black has been added and only thirteen women. The dominant faith harks back, like Reagan's, to the days before the New Deal. Its basic elements are an indifference to the poor and the weak, an almost complete deference to government authority and a hostility to judicial protection for individual rights. Its constitutional agenda, as Administration ideologue Bruce Fein has frequently proclaimed [see editorial, "The Reagan Court," *The Nation*, October 27, 1984], includes overturning *Roe v. Wade*; weakening rules to insure fair election-district apportionment; allowing states to ignore most of the Bill of Rights, especially the First Amendment; striking down affirmative action; undermining the separation of church and state; diluting laws against race and sex discrimination; reducing citizens' access to the courts to challenge government policies; and eliminating legal protections for the accused.

The conservatives gloss over their agenda with talk of judicial restraint and heeding the will of the majority. Fred Fielding says the Administration seeks judges "who view the courts as interpreting the law, rather than enacting it." In a recent speech to the American Enterprise Institute, Robert Bork, an appellate court judge and one of the leading candidates to fill the next Supreme Court vacancy, called for "that continuing and self-conscious renunciation of power, that is the morality of the jurist."

Such protestations are disingenuous, to put it charitably. These conservatives want judicial restraint only in the protection of individual rights, while favoring intervention to protect property rights and the interests of officialdom.

Consider *Garcia v. San Antonio Metropolitan Transit Authority*, decided in February. Nine years ago, in *National League of Cities v. Usery*, conservative Justices William

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Rehnquist, Potter Stewart, Lewis Powell and Chief Justice Warren Burger, joined uneasily by Harry Blackmun, exempted state and local governments from wage-and-hour standards that Congress had explicitly extended to their employees in 1974. The decision was judicial activism at its most energetic, for it had long been axiomatic that Congressional action in economic matters was virtually exempt from judicial control. Judicial activism is called for, however, when Congress tells the states that they cannot underpay a janitor.

In the intervening years Justice Blackmun apparently concluded that the *National League of Cities* rule was unworkable and unwise, and in *Garcia* he joined those who had dissented in the earlier case to overrule it. The majority held that the states should look to Congress for protection against Federal action, a principle first stated by Chief Justice John Marshall in 1824 and frequently reiterated. This drew a *cri de coeur* from the devotees of judicial restraint, who, in dissent, bemoaned the plight of states left to the tender mercies of "political officials" and called on the judiciary to "protect . . . the States from federal overreaching."

The same selective judicial activism can be seen in the Court's decisions in the area of criminal law, even where it entails overriding the very states' rights championed so fervently in *National League of Cities*, the *Garcia* dissent and elsewhere. Two years ago, in *Michigan v. Long*, the Justices overturned a century-old doctrine limiting Supreme Court review of state court criminal cases. Last year, in *Colorado v. Nunez*, in which the full Court acknowledged it did not have jurisdiction, three Justices lectured a state court against giving the criminally accused too many rights under state law.

What "restraint" means to conservative judges can be seen most clearly in the day-to-day lawmaking in lower Federal courts, described in the Stern study. It means overruling any challenge to official authority and throwing out claims under the First Amendment, the various Civil Rights Acts, the Education of Handicapped Children Act, the Social Security Act, the Sherman Antitrust Act, the Mine Safety and Health Act and the Civil Rights Attorney's Fees Awards Act, as well as claims by prisoners, refugees, criminal defendants, juveniles and plaintiffs seeking access to the courts.

Is Reagan simply doing for conservatism what Democratic Presidents have done for liberalism? I don't think so. By tradition and practice the selection of Federal judges has come to involve such a multiplicity of factors and agents—senators, governors, representatives, screening commissions, interest groups, influential individuals, local political leaders—that a valuable diversity is maintained and ideological polarization is avoided. Dwight Eisenhower, who had little interest in civil rights, appointed liberals Elbert Tuttle, Frank Johnson and John Minor Wisdom; John Kennedy appointed segregationists W. Harold Cox and E. Gordon West; Richard Nixon appointed N.A.A.C.P. general counsel Robert Carter; and Jimmy Carter elevated Cornelia Kennedy to the U.S. Court of Appeals for the Sixth Circuit despite her poor record on civil rights. Obviously, a nominee's political philosophy is not irrelevant. There has been a consensus, however, that it should not be the predominant factor, as the widespread indignation over the Hatch-Denton-East questionnaire to Rodriguez shows.

Haphazard as it may seem, this process has enabled the United States to avoid all but a few ideological challenges to judicial appointments (generally from the right), even though some 1,200 Federal judges have been designated in the last thirty-two years, more than half of them by Republican Presidents. This Administration's insistence on ideological purity is perverting that process. It could politicize and polarize the judiciary in a manner this country has not seen since 1801, when outgoing President John Adams packed the bench with "midnight judges" to make it a conservative bastion against Jeffersonian democracy. Adams's maneuver, though ultimately unsuccessful, embroiled the Federal judiciary in bitter partisan strife. It is not an example worth emulating. □

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BOOKS & THE ARTS.

In the American Grain

JACKSON LEARS

CULTURE AS HISTORY: The Transformation of American Society in the Twentieth Century. *By Warren I. Susman. Pantheon. 321 pp. $22.95. Paper $12.95.*

Historians often speak of their discipline as if it were an endless construction project. Scholars are praised for assembling concrete blocks called solid monographs that provide "a firm foundation for further research." This production model is reinforced by patterns of promotion and tenure at many universities, where "scholarly productivity" (often defined quantitatively) is the key to advancement. The unstated purpose of all this production, of course, is a final account of the past "as it actually happened"—in the Prussian historian Leopold von Ranke's famous phrase. Fortunately for historians that goal remains elusive, even though the most sophisticated techniques of social science are used in pursuit of it.

If analytical models and quantitative techniques borrowed from the social sciences have challenged easy assumptions and cleaned up sloppy thinking, they have also been a mixed blessing for the writing of history. The quest for precision through social science techniques (combined with a parlous job market) reinforces the prudent professionalism of the production model. Under its aegis, history has become more plodding, specialized and narrowly monographic than ever before. By now the best social science–oriented historians, such as Herbert Gutman and Lawrence Stone, have recognized the problem, and urged historians to reconnect with a wider audience. But so far little progress has been made. Instead of a single historical edifice, majestic in its Beaux-Arts eclecticism, we have dozens of squat structures, each as drab, formless and impenetrable as a concrete bunker.

While most historians huddle in these bunkers, defending ever smaller patches of real estate, there is and has always been a more fruitful way to conceive of the writing of history. Some historians have imagined their craft to be part of a continuing conversation, embedded in the culture of the present, reclaiming the past, refining its meanings for the future—a conversation that includes many voices. Not confined to professional journals or bureaucratic idioms, this conversation is often impolite and impassioned; it honors thoughtful speculation as well as the careful marshaling of data.

Warren I. Susman, who died April 20, was one of the best representatives of this other historiographical tradition. His collected essays pose a fundamental challenge to ossified patterns of thought. The essays are conversational in the best sense—they are animated by a human voice. Susman was an inspired talker, whether in classrooms, at professional meetings or on the printed page. His characteristic rhetorical mode was a series of probing and sometimes unanswerable questions. He was volatile, unpredictable, sometimes outrageous, capable of both crankiness and immense generosity. He was especially hospitable toward young scholars trying out new materials and methods. He never published a monograph, but he exerted enormous influence through his fugitive pieces in obscure journals as well as through his personal presence. The presence could never be packaged, but the essays are between two covers at last.

Susman presented himself as a cultural historian who sought "to discover the *forms* in which people have experienced the world—the patterns of life, the symbols by which they cope with the world." He was, in other words, concerned with questions of consciousness not susceptible to the precise measurement required by the production model. This enterprise has a long and honorable lineage which stretches from Jacob Burckhardt to Johan Huizinga. But in recent decades, at least in America, the phrase "cultural history" has become a portmanteau containing all kinds of intellectual baggage. It is worth sorting through the baggage, if only to clarify the nature of Susman's achievement.

Cultural historians can be roughly divided between those who study canonical texts and those who look at culture anthropologically. Despite the immense popularity of formalism in literary criticism and art history, there are still a few intrepid souls who try to locate and examine works of high culture amid the messy details of their moment. Carl Schorske's *Fin-de-Siècle Vienna: Politics and Culture* is the most successful contemporary example of this genre. But the anthropological approach has won far more converts in recent years. It seeped into American historiography during the 1940s with more than a tinge of nationalistic sentiment clinging to it. The leading historians of the post-World War II era, whether they followed Daniel Boorstin in celebrating American culture or Richard Hofstadter in criticizing it, all focused on the pragmatic, entrepreneurial values Americans allegedly hold in common. Their anthropology was implicit but pervasive, and shaped the assumption that American culture constituted a unique and indivisible way of life, cemented by a unified system of beliefs.

By the 1970s that assumption had been rejected both for methodological and political reasons. The influence of Fernand Braudel and the *Annalistes* had finally reached American shores, revitalizing positivist tendencies in the profession and promoting a disdain for imprecise talk about "national character" based largely on unrepresentative elite sources. Historians began to redirect their attention to the microcosmic worlds of township, family, neighborhood and sisterhood, discovering diversity at every turn and redefining cultural history in the process. At the same time intellectual historians, preoccupied with locating more popular sources and side-stepping charges of elitism, began calling themselves cultural historians. The use of anthropology became explicit and self-conscious: anthropological theory, especially the work of Clifford Geertz and Mary Douglas, became a tool for prying open the door of the slave quarters, the saloon, the Victorian parlor. With imagination and dexterity, historians examined the symbols and rituals that glued those little worlds together. But many paid almost no attention to the larger world of power and politics.

In 1976 Eugene Genovese complained that all this anthropology was little

Jackson Lears is the author of No Place of Grace: Antimodernism and the Transformation of American Culture, 1880-1920 *(Pantheon).*

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more than a "bourgeois swindle," a sentimental celebration of community which neglected the essential Marxist question, Who rides whom? Genovese had sparked a revival of Marxist historiography with a series of books on American slavery. Inspired by the work of Antonio Gramsci, he departed from orthodox Marxism in his determination to take culture seriously, arguing, for example, that the paternalistic code of Southern planters shaped their sense of class leadership and defused potential protest. Among British Marxists, E.P. Thompson and Raymond Williams had been demonstrating a similar sensitivity to culture for some time. Thompson's *The Making of the English Working Class* played a major role in transforming the Marxist idea of culture from a static "superstructure" to a shifting formation of attitudes and practices that constantly interact with class and power relations. The growing prestige of Gramsci signaled the return of a genuinely dialectical Marxism. The phrase "Marxist cultural history" was no longer an oxymoron.

The newer versions of cultural history provided a meeting ground for historians with very different interests: Marxism, anthropology, intellectual history. What they had in common was a preoccupation with questions of ideology that demanded interpretation as well as measurement. What were the inner meanings of the evangelical camp meeting, the political campaign, the nickelodeon? What significance did participants and audiences attach to these cultural forms? The resurgence of cultural history reflects some historians' efforts to shake off the constraints of the production model—to climb out of their bunkers and revive older traditions of synthesis. Maybe that is why the most important achievements in recent cultural history resist easy categorization: David Brion Davis on the emergence of slavery as a "problem" in Anglo-American thought; Lawrence Levine on the secularization of Afro-American folk thought; Rhys Isaac on the *embourgeoisement* of colonial Virginia; Lawrence Goodwyn on the Populist movement's challenge to the "received culture" of corporate hierarchy.

Susman's work, too, defies categorization. He was omnivorously curious, widely read in a variety of theoretical traditions. He chastised the simplifiers in his field with the wisdom of Walter Benjamin and Mikhail Bakhtin

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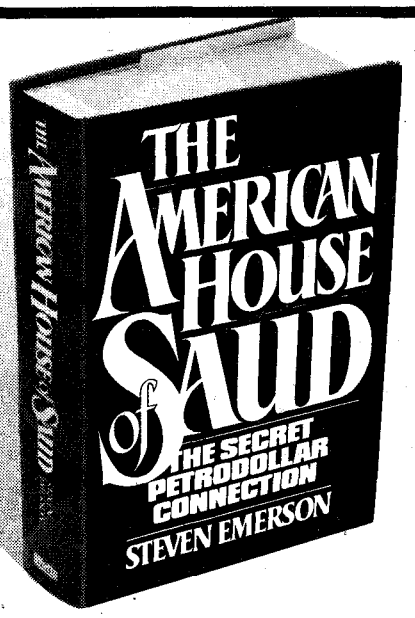

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long before those critics became fashionable adornments of academic discourse. He was no fieldworker in historical anthropology, beating the bush to rediscover pre-industrial enclaves of kin solidarity and workplace democracy. He was more at home on the boulevard. Indeed Susman might be characterized as a brilliant *flâneur*, sauntering through the metropolitan culture of twentieth-century America. Like Benjamin, he mastered the art of *flânerie*: creative idling combined with perceptive speculation. The essay form is its best expression.

The speculative spirit of *flânerie* can also create problems. Susman sometimes overlooked the elite origins of mass-marketed cultural forms, treating them as if they were direct expressions of popular sentiment. This could lead to the same kind of sweeping generalizations that characterized the cultural history of the 1950s. Yet it is easy to forgive this flaw when confronted with Susman's psychological sensitivity and his extraordinary powers of synthesis. He knew that cultural artifacts can embody nameless yearnings, inchoate anxieties, and was willing to explore that swampy psychic terrain without the crude maps of psychohistory. Even more impressive was his uncanny ability to see patterns of meaning overlooked by others. Unlike most students of popular culture, Susman did more than rescue circuses, cartoons and movies from oblivion: he demonstrated their relationships to more "serious" cultural forms. I know of no other historian who could move so effortlessly from *The Maltese Falcon* to *The Neurotic Personality of Our Time*, from Franklin Delano Roosevelt to Mickey Mouse. Everything was grist for his mill.

Susman's gifts are evident in the range and variety of these essays. Written at various times during the last quarter-century, they indicate the undiminishing vitality of his thought. There are stimulating pieces on the frontier thesis, the World's Fair of 1939 and the problems historians face in exploring the new communications media of the twentieth century. But perhaps most remarkable is the series of essays on the 1930s.

Dismissing the legend of the Red Decade, Susman presents a much more complex and compelling picture. He argues that the group that holds the key to the cultural significance of the Depression is the broad American middle class—the skilled workers, shopkeepers and middle managers for whom economic insecurity was an unfamiliar specter. Their dominant response to joblessness was not the heroic resistance celebrated in Clifford Odets's plays; it was fear and shame. The prolonged Depression brought longings for psychic as well as economic security, for a sense of belonging to a larger whole, for a secular mythology that could dramatize mass participation in a glorious enterprise. It was not surprising that an age of fear and shame would redefine success as knowing *How to Win Friends and Influence People* (published in 1936) and psychic health as a matter of "adjusting" to the needs of the group. Nor was it surprising that the same age would embrace the vision of a classless, undifferentiated American *volk*, sustaining their way of life against desperate odds—the vision embodied in the poetry of Carl Sandburg and Archibald MacLeish, in W.P.A. murals and even in the "Americanism" of the Communist Party during the heyday of the Popular Front. The vision was popularized by elites in New York and Hollywood, sanctioned by the pop anthropology of "national character" and made manifest in the experience of World War II. The oppressively nationalistic culture that emerged after World War II—the culture that led historians to emphasize consensus values and that produced so much chatter about "conformity"—was not a reaction against the Red Decade but a fulfillment of its deepest yearnings.

What I have sketched is one major theme of a complex argument. Susman provided a new framework for understanding a crucial period of our recent cultural history. He also punctured some leftist pieties. Others have noticed "a kind of sentimentalism, a quality of intellectual softness" in the Popular Front Americanism of the 1930s, but Susman was the first historian on the left to explore his own tradition's inanities in such unsparing detail, down to and including this statement by a Young Communist Leaguer at the University of Wisconsin:

> Some people have the idea that a YCLer is politically minded, that nothing outside of Politics means anything. Gosh no. They have a few simple problems. There is the problem of getting good men on the baseball team this spring, of opposition from ping-pong teams, of dating girls, etc. We go to shows, parties, dances and all that. In short, the YCL and its members are no different from other people except that we believe in dialectical materialism as the solution to all problems.

Susman turns this burlesque into an explicit challenge in "Socialism and Americanism," which warns socialists against "playing the Americanism game" by reinforcing capitalist culture in the guise of reforming it. "We have contributed to the making of mass culture without developing any position from which to evaluate it," he writes. This problem has plagued American dissent throughout the twentieth century. It has proved extraordinarily difficult for dissenters to imagine an alternative culture that could effectively resist the mainstream's power to absorb it. In his critique of Popular Front Americanism, Susman confronts a dilemma that many less thoughtful radicals have been content to ignore.

I wish the same could be said for the baffling introduction to the collection (excerpted as "A Dialectic of Two Cultures" in *The Nation*, February 16). When you compare it to most of the other essays here, it scarcely seems to have been written by the same person. Susman states that the purpose of the essays is to understand "one of the fundamental conflicts of twentieth-century America . . . between two cultures—an older culture, often loosely labeled Puritan-republican, producer-capitalist culture, and a newly emerging culture of abundance." The transformation from old to new was marked by shifts in ideals: from rigid character to magnetic personality, from self-denial to self-fulfillment. The raison d'être of the new culture was a positive state of material well-being, to be achieved through the ministrations of professional therapists and the pursuit of consumer goods. In Susman's view, the new world of department stores, amusement parks, movies and mass-marketing has got a bum rap from cultural critics. Leftists in particular should escape the iron cage of pessimism and recognize the liberating potential in our consumer society, in spite of all the faults.

It is always refreshing to find an academic who would just as soon go to a Mets game as endure another uplifting cultural event on campus. Susman reminds us that there is a good deal of vitality and fun in what has been stigmatized as mass culture. He also grasps

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the irony of historians' tendency to idealize pre-industrial communities they would hate to inhabit. Without question, the "culture of abundance" has brought us many comforts and pleasures we ought not to take for granted.

But it is difficult to avoid asking some questions—in the spirit of Susman himself. How can one discuss abundance under advanced capitalism without at least a nod to the cruel ironies inherent in the word? How does American abundance look to the colonized peoples of the world who have been forced to sacrifice their raw materials and indigenous traditions so the fattest nation on earth can have stereos, steaks and scuba gear? How can one ignore the profoundly antidemocratic tendencies that underwrote this new culture, even within the United States: the growing concentration of wealth, power and knowledge in the hands of a few managers, technicians and administrators? How could a socialist forget who rides whom? And how could he claim that "virtually every critic of consumer or therapeutic society brings with him or her an ideological position and values repesentative of the older order"? Lewis Mumford, Robinson Jeffers, David Riesman, Paul Goodman and Allen Ginsberg, to mention just a few, can hardly be lumped together, let alone placed alongside unctuous fundamentalists and puritanical producer-capitalists. In fact, one could argue that a secularized puritanism is more evident in consumer culture than in its ablest critics, that the frantic imperatives of self-improvement and productivity have undermined the possibility for a genuine leisure ethic in twentieth-century America. The most powerful critiques of consumer culture have been rooted in longings for a realm of pleasure and freedom beyond the performance principle of advanced capitalism.

The best criticism realizes that consumer culture is more than the sum of individual purchases. It would be a dour and ridiculously superficial criticism that only saw the individual consumer, buying a new dress or enjoying a good meal. Criticism ought to target the systemic features of consumer culture—the pressures organized to promote a way of life characterized by relentless getting and spending, at the expense of human and natural resources, for the primary benefit of the elite.

The fundamental problem with Susman's introductory essay is that it fails to do justice to the complexity of his own vision, which at its best broke free of binary categories like scarcity and abundance, oppression and emancipation. He was never content with formulas. In a profession wedded to the safe and solid he preserved a spirit of intellectual daring. And he carried on the contentious conversation that is the heart of historical discourse. He was sui generis. I shall remember his independent voice rising above the busy hum of professionalism. I learned a lot from Warren Susman, and I shall miss him very much. □

Freedom's Rider

DAVID J. GARROW

LAY BARE THE HEART: An Autobiography of the Civil Rights Movement. *By James Farmer. Arbor House. 370 pp. $16.95.*

Civil rights anniversaries occur frequently now: twenty years since Selma and the 1965 Voting Rights Act, twenty-five since the student lunch-counter sit-ins, thirty since the start of the Montgomery bus boycott. Such occasions, including the annual celebration of Martin Luther King Jr.'s birthday, enable us to commemorate the courage and achievements of the movement, but they also raise an important question: Is the movement's significance for the future being obscured by celebrations that dwell on the least revolutionary aspects of its past?

That danger can be seen not only in Ronald Reagan's belated embrace of the bill designating King's birthday a Federal holiday but also in speeches by Reagan appointees describing the movement as if it sought simply the elimination of racial discrimination, trumpeted a "colorblind" approach to American society and was concerned only with "opportunity" and not with substantive results. According to this view, civil rights activists had won everything on their agenda by 1968. Such a version of history not only mutes the movement's radicalism, it also aids the regressive policies of the current Administration.

James Farmer's beautifully written autobiography is an excellent antidote to this rewriting of history. Consistently frank about his own shortcomings as well as those of others, Farmer, who served as national director of the Congress of Racial Equality (CORE) from 1961 to 1966, offers a view from the movement's upper reaches. His years of public prominence are described along with the story of his more private and personal disappointments in a way that makes his book both a valuable memoir of a movement and a classic autobiography.

Farmer begins by recounting the Freedom Ride of 1961 which brought CORE to national attention and forced the Kennedy Administration to act when the Freedom Riders were attacked by white mobs in Alabama. He then returns to his beginnings, describing his pleasant and relatively privileged childhood as the eldest son of a peripatetic religion professor whose Ph.D. gave him special status in the black community. Farmer learned early that such rank counted for little in segregated Southern towns like Holly Springs, Mississippi, and Austin, Texas, where he spent his boyhood watching his father quietly accommodate himself to the indignities of racism.

Such experiences increased Farmer's appetite for change. He participated in national Methodist youth conferences, attended the tumultuous National Negro Congress convention at which A. Philip Randolph quit as president, and served as national chair of the Youth Committee Against War. After graduating from Wiley College in Marshall, Texas, and obtaining another degree from Howard University's School of Religion, Farmer moved to Chicago in 1941 as race relations secretary for the Fellowship of Reconciliation (F.O.R.). He was 21.

A few months later Farmer and a white pacifist friend, Jimmy Robinson, discovered that the Jack Spratt Coffee House, a nearby restaurant, refused to serve blacks. Farmer was already drafting a memo to F.O.R.'s executive secretary, the Rev. A.J. Muste, recommend-

David J. Garrow teaches at CUNY. His book Bearing the Cross: Martin Luther King Jr. and the Southern Christian Leadership Conference, 1955-1968 *will be published next winter by William Morrow.*

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ing the use of nonviolence against American racial injustice. With some friends, Farmer launched a peaceful occupation of the Jack Spratt—the movement's first sit-in—and succeeded in winning service for black patrons. When F.O.R. hesitated to endorse Farmer's proposal for mobilizing mass opposition to racial discrimination, the Chicago activists established CORE as a supplementary group dedicated to combating racism with nonviolence.

Farmer left F.O.R.'s staff in 1945, following further differences with Muste. He had a brief and unhappy marriage, worked as an organizer for the A.F.L. Upholsterers' International Union for a short while and endured recurring bouts of unemployment until he remarried in 1949 and took a job as student secretary of the League for Industrial Democracy in New York City. Six years later he shifted to the payroll of Jerry Wurf's District Council 37. All the while, Farmer and his small band of colleagues—Bernice Fisher, Robinson, George Houser, Jim Peck, Farmer's second wife, Lula—kept CORE quietly alive as a pacifist voice on the racial front. But with no full-time staff and little coordination between its small, scattered local chapters, CORE was not pursuing the direct action program Farmer had envisioned.

In 1959 Farmer joined the national staff of the National Association for the Advancement of Colored People, just as the civil rights movement was about to blossom and competitive tensions were emerging between the N.A.A.C.P. hierarchy and the indigenous, nonbureaucratic, protest-oriented Southern activists inspired by Martin Luther King Jr. Though the tensions were rooted in profound differences of strategy—whether black freedom should be pursued principally through court litigation managed by a lawyerly elite or through grass-roots activism initiated by thousands of people—Farmer saw that many of the disputes were petty and personal or motivated by competition for funds. His account sheds valuable light on how narrow organizational interests can create rifts in a social protest movement. It also highlights the inevitable tensions between urgent activism and organization building.

Early in 1961, with the Southern movement in full gear, Farmer's closest friends in CORE realized that the organization needed a forceful spokesman and a new image if it were to play a major role in the black freedom struggle, and they named him national director. Almost immediately Farmer and his small staff mapped out what Farmer christened the Freedom Ride, an interstate bus trip through the South by a small, integrated group of nonviolent activists intent on testing whether bus station facilities had complied with Supreme Court orders to eliminate segregation. Patterned after F.O.R.'s 1947 Journey of Reconciliation, the Freedom Ride made it from Washington to Alabama before meeting violent resistance from segregationist mobs. One bus was firebombed near Anniston, and Riders on a second were badly beaten when it arrived in Birmingham. Student activists from Nashville, members of the Student Nonviolent Coordinating Committee (SNCC), came to CORE's aid by dispatching a new band of Riders to Birmingham and Montgomery, where another mob assaulted them and then trapped them in a church. Only the arrival of Federal marshals and National Guardsmen halted the attacks, and the Riders received intensive police protection on their journey from Montgomery to Jackson, Mississippi, where they were arrested and jailed.

News coverage of the attacks put CORE and Farmer in the national spotlight. Having missed the Ride into Alabama because of his father's death, Farmer confesses that he was very reluctant to join the Jackson trip; he boarded the bus only at the last moment after another participant shamed him into riding. Nevertheless, the Ride's dramatic success placed CORE, and SNCC, at the movement's cutting edge and cast Farmer as one of the "big six" leaders, along with Randolph, King, Roy Wilkins of the N.A.A.C.P., Whitney Young of the National Urban League and SNCC's John Lewis. "The greatest tactical oversight of my life," Farmer says, "was that I did not at that time move for a merger between CORE and SNCC." That step "would have unified the action wing of the movement" and given those activists a stronger foundation against efforts to undercut them.

Farmer's account of the period from 1961 to 1965 details the "internal snipings and power plays" that plagued the movement, but it also offers sensitive and compelling portraits of people such as King and Wilkins, and valuable accounts of a diffident John Kennedy and an unpredictable Lyndon Johnson. (Some readers will want to supplement Farmer's account of the internal divisions that CORE's sudden growth created by examining August Meier and Elliott Rudwick's encyclopedic *CORE: A Study in the Civil Rights Movement, 1942–1968.*) Farmer also offers an important portrait of Malcolm X, with whom only Farmer among the mainline leadership developed a significant personal relationship.

Although Farmer's habit of self-criticism sets this book apart from most others of its genre, there are instances where he ought to have said more. He makes only a passing reference to his friend Jay Richard Kennedy, who secretly channeled significant information on the movement to the Central Intelligence Agency, and he notes, but does not reflect on, how he allowed CORE to develop a relationship with F.B.I. executive Cartha (Deke) DeLoach, who warned Farmer of communist infiltration of CORE. Although CORE was not alone among liberal organizations in having such a relationship and Farmer's firm anticommunism went back as far as 1944, when he had argued successfully for an exclusionary provision in CORE's constitution, he nevertheless offers no reflections on this association beyond noting that he fired at least one staffer about whom DeLoach briefed him.

Farmer left CORE early in 1966, expecting to head up a major adult literacy drive, only to be embarrassed when Adam Clayton Powell Jr. and President Johnson joined forces to block Federal funding at the last moment. Two years later Farmer endured an ill-fated Brooklyn Congressional race against Shirley Chisholm before serving as an assistant secretary of Health, Education and Welfare during the first two years of the Nixon Presidency. Farmer emphasizes that movement friends wanted at least one ally inside the Republican Administration, but the job also gave him a prominence he had not had since leaving CORE. Increasingly uncomfortable in an Administration which had very few black officeholders but sought his endorsement of the nomination of segregationist G. Harold Carswell to the Supreme Court, Farmer resigned in late 1970. A man in his early 50s with no regular employment and with his wife gradually losing her battle against Hodgkin's disease, Farmer experienced

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a combination of economic insecurity and emotional torment. In 1975, thanks to his old friend Jerry Wurf, Farmer became executive director of the Coalition of American Public Employees, a post he held until Wurf's death in 1981.

The most impressive aspect of Farmer's autobiography is the frankness with which he discusses his errors and regrets. The movement's best activists, especially King, were resolutely self-critical. Farmer was one of them: he painfully catalogues his mistakes and vulnerabilities, focusing more on his personal life than on his political choices. That honesty gives the book an emotional intensity that few volumes possess. Nowhere is that force more powerful than in the concluding pages, in which Farmer describes the emotional turmoil he experienced after his wife's death in 1976 and during his own battle with an eye ailment that has left him almost completely blind. So compelling are those passages that, for me, they excuse the fact that Farmer has not been as harsh on his public self as on his private one.

"Martin left us with a dream unrealized and a promise unfulfilled," Farmer writes in his epilogue. "Our nation deceives itself with the fiction that the task is complete and racism is dead and all is well." Some will try to convince us that the movement was a fully successful and typically American reform effort, demonstrating the ultimate perfectibility of American society. Those propagandists conveniently ignore King's repeated warnings, during the last years of his life, that his 1963 dream had "turned into a nightmare," and that America required an economic restructuring if the movement's vision of a new society was to succeed. Farmer's magnificent memoir is a stirring recapitulation of what was best about the movement, as well as a frank warning about the obstacles any social movement must confront. "The 'rainbow coalition' has not come together, and it will not be driven into formation by expansive rhetoric," Farmer concludes. "It will require careful and patient nurturing and sophisticated knowledge of how coalitions work." This book offers some excellent guideposts along these lines, while demonstrating an even more central truth: the spiritual fortitude illustrated by a King or a Farmer is the most valuable attribute in the struggle for social justice. □

After the Coup

STEPHEN SCHLESINGER

GARRISON GUATEMALA. *By George Black, with Milton Jamail and Norma Stoltz Chinchilla. Monthly Review Press. 198 pp. $9.*

I, RIGOBERTA MENCHU: An Indian Woman in Guatemala. *Edited by Elisabeth Burgos-Debray. Translated by Ann Wright. Verso/Schocken. 251 pp. $25. Paper $8.95.*

Sometimes a single, cataclysmic event can stain the history of a nation forever. For Guatemala, the largest and most populous nation in Central America, U.S. involvement in the coup of 1954 ended ten years of freely elected government and left on that country a mark that succeeding generations will have trouble removing.

There have been a number of studies of the American intervention in Guatemala, but little attention has been paid to its lasting impact on the Guatemalan people themselves. In the mid-1970s the North American Congress on Latin America issued a pathbreaking report, *Guatemala: "And So Victory Is Born Even in the Bitterest Hours,"* which traced the bloody course that Guatemalan society took from 1954 to 1974. Two Catholic missionaries, Thomas and Marjorie Melville, also studied the aftermath of the coup during the same period in their important book, *Guatemala: The Politics of Land Ownership.*

Now there are two new books which carry the story forward to the present. *Garrison Guatemala* is an intelligent dissection of the warfare that has claimed almost 100,000 Guatemalan lives over the last three decades. *I, Rigoberta Menchu: An Indian Woman in Guatemala* is a personal account of life in the contemporary Guatemalan bloodbath. Each book is a different strand of the same fabric: one provides an overview of the nation's turbulent present, the other examines the experiences of a single family rent by its terror.

Garrison Guatemala describes how the right-wing military officers who were imposed on Guatemala by the C.I.A. following the 1954 coup have struggled savagely to hold on to their power by eradicating practically all opposition under the guise of "combatting communism." The underlying theme is that these men have been unable to bend reality to their dictates. They have been thwarted by three stubborn facts: a widespread resentment over the inequitable distribution of land in a country where 10 percent of the property owners hold 80 percent of the arable soil; the huge landless Mayan population—more than half Guatemala's 7 million people—which is exploitable but culturally resistant; and the pressure for a return to democracy by local political parties, segments of the guerrilla movement and world opinion.

Thus, according to *Garrison Guatemala*, the postcoup period is a series of increasingly bloody attempts by a succession of Pinochet-style generals to shore up their fortress against change. Through the late 1950s and 1960s, they followed a formula. They built up export crops like coffee, permitted unrestrained foreign investment, fortified the government with U.S. military and economic aid, and repressed dissent. But the cost was high in alienation.

By the 1970s, the authors report, the army was no longer able to contain the dissidents. For one thing, the country experienced a series of reversals: the oil price hikes in 1973; the escalating greed of the military, which led to a break with its business allies; and the collapse of world markets for cash crops like coffee, sugar and cotton. At this point the nascent rebellion grew confident, especially since its guerrilla leaders were more sophisticated than the erratic insurrectionists of yore. These guerrillas now seek, according to *Garrison Guatemala*, a "prolonged popular war, based on the general mobilization of the populace, and the creation of a self-sufficient infrastructure."

Not unexpectedly, the military has reacted with increasing barbarity. A succession of generals in the 1970s—Carlos Arana Osorio, Kjell Laugerud

Stephen Schlesinger serves on the staff of Mario Cuomo, Governor of New York. He is co-author, with Stephen Kinzer, of Bitter Fruit: The Untold Story of the American Coup in Guatemala *(Doubleday).*

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García and Romeo Lucas García—took power by means of blatant electoral frauds, intensified counterinsurgency operations and death squads. Thousands of Guatemalans met their death on the sidewalks or in midnight roundups. In the present decade, increasing desperation has caused the right to kill priests. In 1982 and 1983, the generals unleashed near genocidal strikes against their opposition. The result was that the political center "withered and died." The authors predict that "on the larger backdrop of a Central American war in the 1980s, [the battle in Guatemala] has scarcely begun."

Garrison Guatemala is, throughout, an informative analytical history; at times, however, it is weighed down by too many statistics. Since the authors have not structured the book chronologically but according to a political science format (focusing first on the rulers, then on the rebels), one is often uncertain of the historical context. The study devotes too much space to Efraín Ríos Montt's erratic seventeen-month reign and not enough to the earlier postcoup period, or to the issue of what lies ahead for Guatemala.

Still, the study's gloomy prognostication is borne out by the increasing involvement of Mayans in the fight, as a result either of being drafted by force or of being driven into the hills by the army. *I, Rigoberta Menchu* is the memoir of one such young Indian, who was drawn into the rebel ranks by the almost fanatical military onslaught against her people in the 1970s.

Her book is a fascinating portrait of the culture of her Quiché tribe, one of the largest in Guatemala. For centuries observers have known that following the Spanish conquest, the Mayans of Guatemala remained deliberately apart from Latin society. Rigoberta Menchu explains: "We must hide so much in order to preserve our Indian culture and prevent it from being taken away from us."

The survival imperative is indeed the single greatest force in her life. Indians seem passive toward exploitation, persecution and mistreatment, she suggests, in order to retain their identity. Their unwillingness to learn the customs or language of their oppressors, their resistance to formal education or even to using Western machinery, are part of this attempt to preserve their uniqueness. So the endurance of their community, the preservation of their ancestral customs, the continuation of their deepest traditions become far more important even than temporary enslavement.

But Menchu's book shows how that attitude has begun to change in the face of the army's bestial rampages. She had already lost two brothers to the common hazards of Indian life in Guatemala—one to malnutrition, the other to pesticide poisoning in a coffee field. But not until the military tried to seize their ancestral lands by force were she and her family finally moved to action. For protesting this unlawful activity, the army under Gen. Romeo Lucas García tortured her younger brother for sixteen days until he died; it then killed her father by setting the Spanish Embassy on fire while he was occupying it to denounce army massacres. And when Rigoberta's mother dared to organize her compatriots, the soldiers beat her, raped her and chopped her to pieces.

Rigoberta Menchu's narrative is a searing one. It is, however, marred in places by unnecessary repetitions, lapses in chronology and a distracting lack of clarity, which could have been avoided by more systematic editing. Even so, her work is an extraordinary feat, taking us inside the mind of a modern Mayan and explaining the most intimate details of Quiché life.

Both books remind us once again of the terrible damage the United States has done in the name of defeating "Soviet expansionism." The blood of the people still flows in the streets of Guatemala thirty years after the coup. The country is trying once again to hold presidential elections later this year. One can hope that democracy may return, but it is hard not to be skeptical about whether the votes in this election will be counted accurately. As these books suggest, the 1954 coup may cast too heavy a shadow to permit the fragile seedlings of democracy to grow. □

Bureaucratic Hats

MAURICE ISSERMAN

THE PRACTICE OF SOLIDARITY: American Hat Finishers in the Nineteenth Century. *By David Bensman. University of Illinois Press. 240 pp. $22.50.*

One of the things I enjoy most about labor history is finding out how things used to be made. From Alan Dawley's and Paul Faler's works on Lynn I learned how to make shoes. From Thomas Dublin's work on Lowell I learned how to weave cloth. And now, thanks to David Bensman, I know how to make hats. In the event of the total collapse of industrial society, I need not go barefoot, naked or hatless.

Apart from such practical considerations, there are other lessons to be learned from the "new labor history." As Bensman argues in this careful and persuasive study of the evolution of the hatters' craft:

> Labor history at its best is writing which makes clear who the workers were, what their previous experiences had been, what challenges they faced, and what their choices were.

Maurice Isserman teaches American history at Smith College.

Which is to say that good labor history does what all good history should try to do—make the lives and thoughts and actions of the people it describes understandable. Bensman's hatters, like Dawley's and Faler's shoemakers and Dublin's "factory girls," lived during a period of tremendous economic and social transformation, but they did not walk around thinking, "This is the Industrial Revolution; I'm an industrial worker; I'd best act accordingly." Like most people, they tried to live their lives as comfortably as possible, making as few concessions as possible to new and unsettling ways. "Resistance" is too romantic and political a term for this phenomenon; in most instances "inertia" would be a more accurate characterization.

Bensman argues that in the case of the nineteenth-century American hatters, the trade union was the medium through which inertia was translated into resistance, and customary ways of doing things and thinking about the world were translated into the "practice of solidarity." When the first hatters' unions were organized at the start of the century they were local affairs, concerned with regulating apprenticeship, sharing the work in slack times and providing welcome and employment for

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itinerant union members from other cities. Like the present-day American Medical Association, they combined the values of mutuality and exclusivity: they were generous to a fault to fellow craftsmen but regarded the rest of the world as outsiders and inferiors. By the end of the century, when hat making had been transformed into an industrial occupation, the United Hatters were able to organize virtually every major hat factory in the country. But it could only do so with the support that the nonhatter community provided, through a highly successful series of boycotts against recalcitrant employers. The center of power in the union shifted from the local to the national level. The union lowered the requirements for membership and affiliated with the American Federation of Labor. Something was lost and something was gained in this transformation:

> While the hatters sacrificed exclusivity, while they lost some of their manly independence, while they gave up control of the pace and duration of their labor, while they relinquished their insistence on equality among craftsmen, they began to develop a new outlook, a new set of values and priorities. In short, they grew class conscious.

It was only through the intervention of the Federal government (in the form of a 1908 Supreme Court decision which held that union label boycotts were prohibited by the Sherman Anti-Trust Act) that the United Hatters' strength was broken. Not until the 1930s did the American workers' "practice of solidarity" become effective enough in the political sphere to overcome the obstacles that business and government had put in their way.

In his conclusion, Bensman points to a historical irony worth considering. In recent decades, he says:

> Solidarity has become institutionalized and bureaucratic. Workers in an auto plant refrain from undercutting each other, but their action does not rest on a personal sense of solidarity; instead, there are seniority provisions in the union contract. Elaborate schemes of job classification prevent workers from taking each other's work away. Long-term contracts even tend to discourage the personal sense of solidarity by locking employees into their jobs regardless of what grievances may arise or what injuries may be done to others.

The fruits of an earlier generation's practice of solidarity have thus come, in time, to substitute for the values which made that practice possible. The choices made by one generation have consequences that are not always apparent at the time and that limit the choices of succeeding generations. That's not a particularly cheerful lesson to have to draw from American labor history, but it is a useful one. □

First-Amendment Fiddling

TOM GOLDSTEIN

EMERGENCE OF A FREE PRESS. *By Leonard W. Levy. Oxford University Press. 383 pp. $29.95.*

Such is the state of public understanding of the First Amendment that the Society of Professional Journalists, Sigma Delta Chi has undertaken Project Watchdog to remind the citizenry that a free and vigorous press is important. Plans call for a national media campaign on the matter in 1986, when the Constitution's bicentennial is to be celebrated. To head the project, Sigma Delta Chi has enlisted R.T. Kingman, General Motors' public relations man in Washington. Kingman will be aided by dozens of other corporate public relations specialists across the country.

That journalists feel the First Amendment needs this sort of hyping is dispiriting, though not altogether surprising given that recent polls show the public favors stiffer restrictions on the press. It is even less surprising when you consider the media's inability to explain itself adequately to the public. Last fall, for example, in an article billed on the cover as "The Media on Trial," *Newsweek* called *Westmoreland v. CBS* "the libel trial of the century," and added, "The stakes could hardly be higher." After the trial was aborted, *Newsweek* backtracked: the case "never quite lived up to its billing as the 'libel trial of the century'. . . the focus was so narrow—one television documentary, one in-

Tom Goldstein teaches journalism at the University of California, Berkeley. His book on press ethics will be published this summer by Simon & Schuster.

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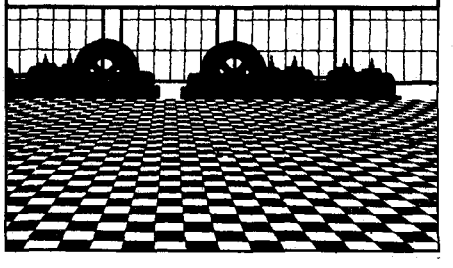

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telligence debate—that larger conclusions never emerged."

In the view of Leonard W. Levy, a leading First Amendment historian, the public's appreciation of a free press is now probably little different from what it was in colonial times: "The persistent image of colonial America as a society in which freedom of expression was cherished is an hallucination of sentiment that ignores history."

Emergence of a Free Press is an enlarged and revised version of Levy's *Legacy of Suppression*, which was published a quarter-century ago. In an interview in *Journalism History* five years ago, Levy expressed a breathtakingly gloomy assessment of the impact of his scholarship on the public's understanding of constitutional issues. Asked which of his works had the most significant effect in this respect, he replied:

> Rather than choose between them [*Legacy of Suppression* and *Origins of the Fifth Amendment*—the latter was awarded the Pulitzer Prize in 1968] I would say that in my opinion . . . the public doesn't understand and doesn't care. Even most people in the field of constitutional law just don't care about the past, about history. They are not interested in what the First Amendment originally meant. They are interested in what it ought to mean today or what they think the Court should make it mean. They certainly show little interest in what it was supposed to have meant originally.
>
> Take the Supreme Court. It is surely one of our most important educative bodies. For good or ill it teaches the American public. The Court is certainly the most obligated to get its facts straight. Yet two of my books, *Legacy* and *Origins*, have been cited about 10 or 12 times each and not once accurately, significantly or responsibly. If the Court, or justices of the Court, botches what I say in those books, how can I have contributed to any public understanding? I haven't.

In the preface to the new volume, Levy reveals that he completed *Legacy* out of spite, indignant that Robert Maynard Hutchins had suppressed an earlier version commissioned by The Fund for the Republic. Hutchins had been so disturbed by Levy's conclusion that the framers of the Constitution had a narrow view of permissible political expression that he refused to have the monograph published. Levy expanded his research into *Legacy*, he now says, "to spite Hutchins and The Fund." Thus the double meaning of the title: it reflects Levy's surprise at discovering that the framers of the Constitution were quite willing to smother dissent and his dismay at Hutchins for attempting to suppress his work.

If the book's thesis displeased Hutchins, it also ran against Levy's deepest libertarian beliefs. It contradicted the liberal assumptions of Zechariah Chafee and the views adopted by Oliver Wendell Holmes and Louis D. Brandeis in one generation, and by Hugo L. Black and William O. Douglas in another. It also upset Levy's mentor, Henry Steele Commager, who had been his faculty advisor at Columbia University. According to Levy, Commager feared that the book would provide "scholarly ammunition for misuse by McCarthyites." (Nonetheless, Commager reviewed the book generously in *The New York Times Book Review*.)

In *Emergence of a Free Press*, Levy reviews the merits of his earlier effort and concludes, "I had a novel position, which I overstated." He had originally asserted that the American experience with freedom of political expression was as slight as its conception and that legal understanding of the matter was narrow. With the benefit of a "far more thorough reading of American newspapers of the eighteenth century," Levy has discovered that, in practice, a "nearly epidemic degree of seditious libel . . . infected American newspapers after Independence." In other words, the press acted as if the law against libeling the government did not exist.

Levy uncovers a paradox: a nearly unfettered press operated in a system "characterized by legal fetters and the absence of a theory of political expression that justified those press practices." He is puzzled by this and offers only a partial explanation. The government did not prosecute for libel, he writes, since it realized "that prosecutions might fail or backfire because critics represented strong factions and, often, influential men."

In the new volume, the thesis developed in 1960 remains unchanged. It was not the intent of those who led the Revolution or framed the Constitution to abolish the common law of seditious libel. The framers, he says, were building on the view popularized by William Blackstone: government should not be permitted to exercise prior restraint, but after publication, journalists should be subject to prosecution

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for defaming the government.

Levy refers to an essay written by Benjamin Franklin, who recommended with respect to writers who attack the government's reputation, "We should, in moderation, content ourselves with tarring and feathering and tossing them in a blanket." That counsel was quoted approvingly in 1798 by Federalists advocating the passage of the Sedition Act, which nearly obliterated freedom of speech and press. Nor was Thomas Jefferson a First Amendment absolutist. Jefferson, Levy writes, "accepted without question the dominant view of his generation that government could be criminally assaulted merely by the expression of critical opinions that allegedly tended to subvert it by lowering it in the public's esteem."

Having set the historical record straight with evidence that seems overwhelming, Levy quickly appends the observation that it makes little difference if the First Amendment was designed to mean less than what staunch civil libertarians want it to mean. It was enough, he says, that the framers "gave constitutional recognition to the principle of freedom of speech and press in unqualified and undefined terms," for "what they said is far more important than what they meant." He concludes:

> We may miss the comforting assurance of having the past's original intentions coincide with present preferences. Yet the case for civil liberties is so powerfully grounded in political philosophy's wisest principles, as well as the wisest policies drawn from experience, that it need not be anchored to the past.

That is a reassuring, if untidy, conclusion to a book that is densely written and often tedious. But the book's reappearance is timely and should be required reading for those searching for material to rekindle interest in the importance of the First Amendment and for those who, in the wake of the Westmoreland and Sharon trials, seek to alter contemporary libel standards. □

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E		O		E		S		H		R		T		A
B	A	N	K		A	S	H	O	N	E	S	T	A	S
A		G		I		I		T		V		R		T
C			A	B	O	V	E	A	V	E	R	A	G	E
K				I		E		I		R		I		R
	F	I	R	S	T	S	E	R	G	E	A	N	T	S

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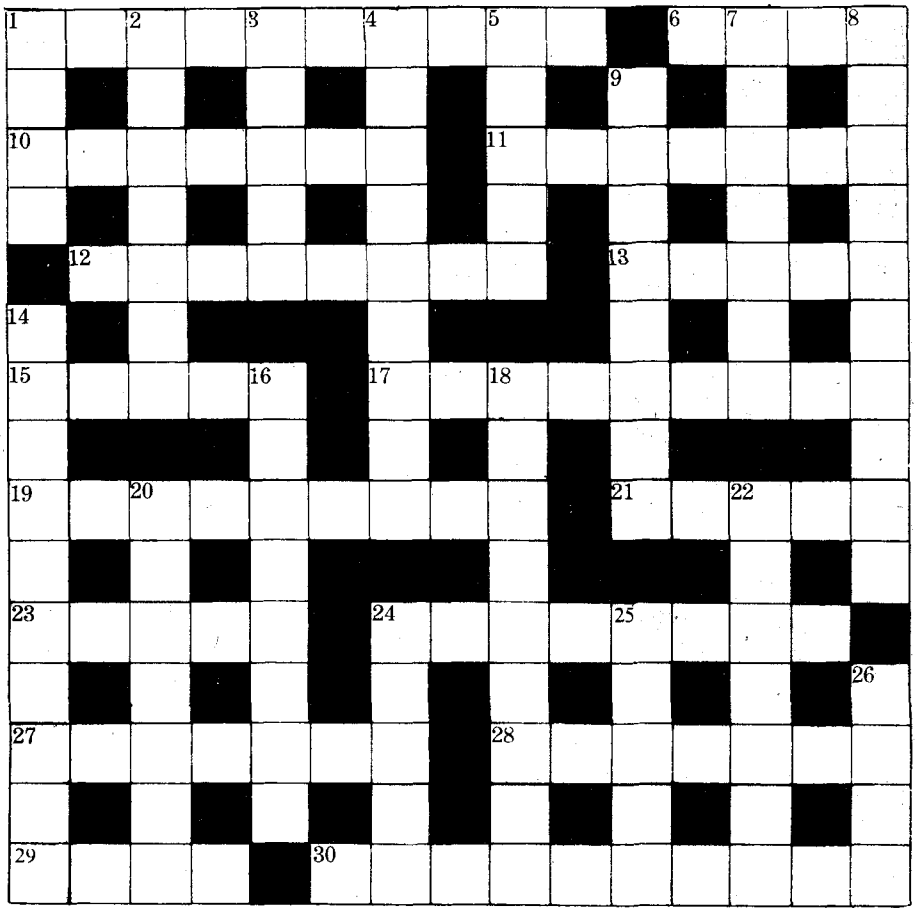
Crossword Puzzle No. 2054

FRANK W. LEWIS



ACROSS

1 If unusually large, put an unusual character here! (10)
6, 22 down and 13 across That's what you get for buying cheap hosiery! (1,3,3,4,5)
10 Pine cabin owner of literature? Sailors used to get a bang out of it. (4,3)
11 One used to eat there cheaply—now you might look on the floor of the car for it. (7)
12 Sounds like a seaside sun-worshipper could be eaten up! (8)
13 See 6
15 An article in this appears yearly, but one can abolish things this way. (5)
17 We are all, terrestrially speaking, alive to the situation. (2,3,4)
19 Cannot see, however poorly, the tongue. (9)
21 The Spanish end of the French picture is spritely, to say the least. (5)
23 Lady bachelor whose bite is certain death? (5)
24 A strange, strange group in 18 and 27. (8)
27 See 18 down
28 Large ladybug? (7)
29 Part of the bread list, by the sound of it. (4)
30 This bird must have voted like everybody else! (4,6)

DOWN

1 Become wearisome with its saintly sound? (4)
2 Girl with enthusiasm for certain material? (7)
3 Obviously there's room on top for anything Greek. (5)
4 Perhaps given a blow in Italy—a sharp one, probably. (5,4)
5 Specific way to get money, though not necessarily a legal one. (5)
7 The old city comes up with a craze for the country! (7)
8 and 26 Odds imply the race should be won by the favorite? Heavens, no! (3,2,1,4,4)
9 False step made in what runaways might cause. (8)
14 One who makes light of someone like Dolly? (10)
16 They're not quite the same as ounces, but could be old spare parts. (8)
18 and 27 across Governed by the head of 16? (3,7,7)
20 So-called lion-man, possibly. (7)
22 See 6 across
24 Time for one of those nonpermanent buildings? (5)
25 Ray's name? In brief, state the number having a morning get-up. (5)
26 See 8 down

PUZZLED?

No more cross words. Find out why "little skipper" is a "truant." Send for a free copy of Frank W. Lewis's Ground Rules to *The Nation*, 72 Fifth Avenue, New York, NY 10011.

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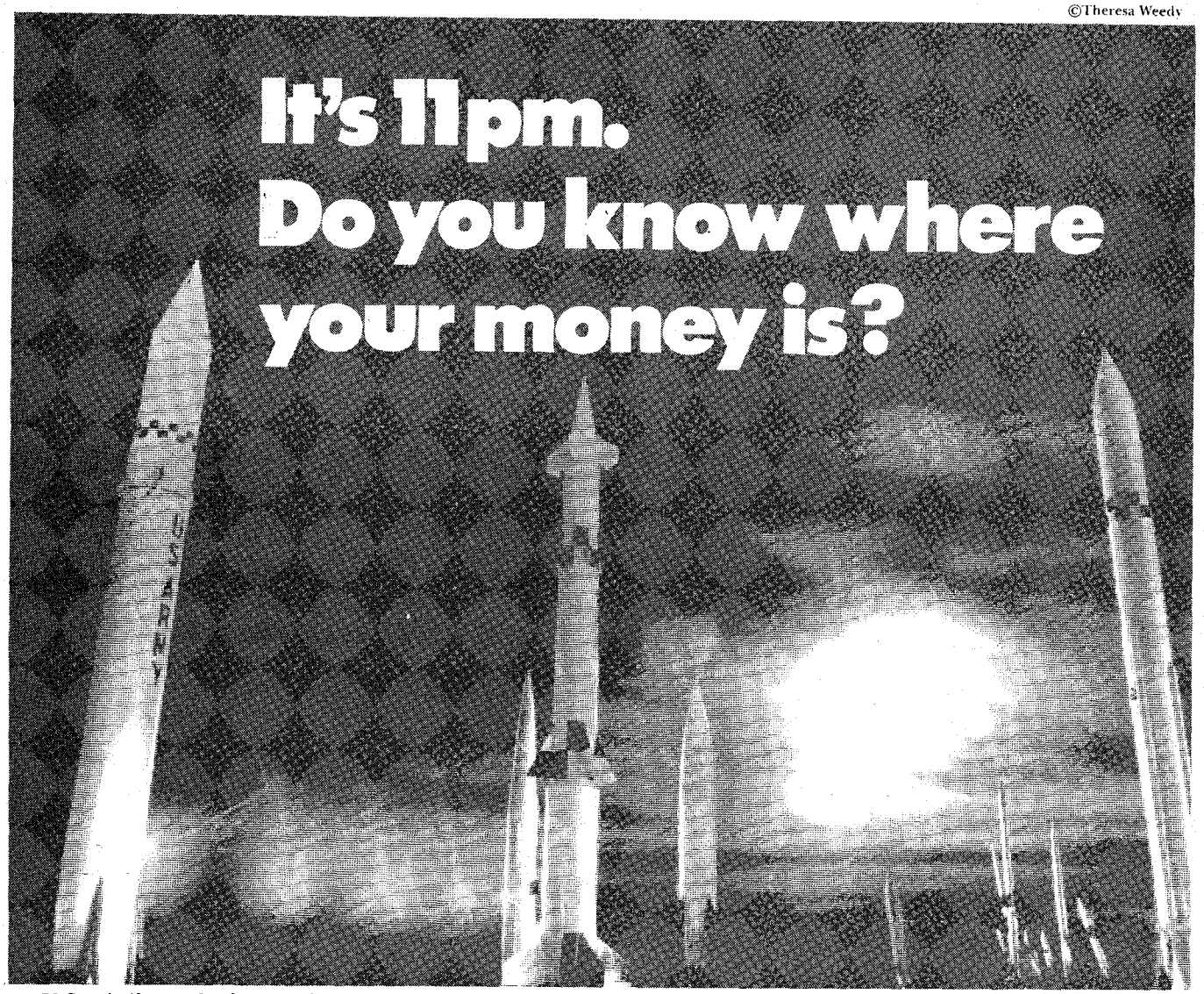

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